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June 16, 2007

Hon. Francis Connolly
Hennepin County District Court
1657 Hennepin County Government Center
300 South Sixth Street
Minneapolis, MN 55487

Re: Peter Huxmann v. Minneapolis Park and Recreation Board
Hennepin County District Court Case No. 27-CV-07-7807
BY FAX AND REGULAR MAIL

Dear Judge Connolly:

In her June 15, 2007 letter to Your Honor, the Park Board's lawyer/lobbyist makes some statements that compel a reply. Please make this letter part of the record. Plaintiff *did* distinguish the discretionary immunity cases relied on by the Park Board. See plaintiff's May 18, 2007 memorandum of law at 9-10. Expressly distinguishing the unpublished *Hill v. City of White Bear Lake*, 1999 WL 451763, was unnecessary where the court's statements concerning discretionary immunity were *dicta*. In my June 13, 2007 letter, I did *not* claim that my client will not have enough time to conduct discovery and had no reason to do so where the outcome of the Park Board's summary judgment motion has been predetermined. I pointed out that the Park Board does not intend to conduct any discovery because Your Honor's ruling that discretionary immunity "will" apply to this case has guaranteed an eventual dismissal of the action. The Park Board's attorney was able to "explain" the Park Board's side in only about ten minutes because, as I pointed out in my June 13, 2007 letter, Your Honor did not ask even one question of her. It is meaningless as well as untrue to say that plaintiff did not provide the court with any valid reason to reject the Park Board's argument that discretionary immunity would apply since (i) Your Honor did not read, let alone weigh, plaintiff's arguments and evidence and (ii) the Park Board had the burden of proof on that issue but was not required by Your Honor to meet it. My stated grounds for recusal stand un rebutted, and when the impartiality of a judge is sincerely questioned [as herein], he need assert no defense of his judicial integrity other than a ready willingness to leave the trial of the cause to another jurist. *Wiederman v. Wiederman*, 36 N.W.2d 810, 812 (Minn. 1949).

Sincerely,

STANBURY LAW FIRM P.A.



Alfred Stanbury

cc: Peter Huxmann; Karin Peterson, Esq. (by fax and regular mail)

Member: UNITED STATES SUPREME COURT BAR • MINNESOTA STATE BAR • UNITED STATE BAR FOR THE DISTRICT OF MINNESOTA • UNITED STATES BAR FOR THE EIGHTH CIRCUIT COURT OF APPEALS • UNITED STATES BAR FOR THE COURT OF APPEALS FOR THE FEDERAL CIRCUIT • UNITED STATES BAR FOR THE COURT OF VETERANS APPEALS • UNITED STATES TAX COURT BAR • UNITED STATES BAR FOR THE COURT OF INTERNATIONAL TRADE