

FILED

May 25, 2023

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

A22-0341

Charles David Roberts,

Petitioner,

vs.

Randy's Sanitation, Inc.,

Respondent.

O R D E R

The court of appeals filed an order opinion in this appeal on April 14, 2023. The deadline for filing a petition for review of this decision was May 15, 2023. *See* Minn. R. Civ. App. P. 117, subd. 1(a) (requiring a petition for review to be filed “within 30 days of the filing of the Court of Appeals’ decision”). On May 16, 2023, petitioner Charles David Roberts filed a motion for an extension of time to file a petition for review until May 22, 2023, asserting that he was delayed in timely filing due to medical reasons. On May 23, 2023, petitioner filed a second motion for an extension to file a petition for review, citing additional family and medical reasons, and seeking an extension until May 29, 2023.

Minnesota Rule of Civil Appellate Procedure 117 requires a petition for review of a decision of the court of appeals to be served and filed within 30 days of the filing date of the court of appeals’ decision. By the time petitioner filed his first motion on May 16, 2023, the

deadline for filing a petition for review, May 15, 2023, had expired. Although Rule 126.02 generally authorizes the court to extend time limitations for good cause, it specifically provides that “[t]he appellate court may not extend . . . the time prescribed by law for securing review of a decision or an order of a court . . . except as specifically authorized by law.” Minn. R. Civ. App. P. 126.02. Thus, an extension of time to file a petition for review of a decision of the court of appeals in a civil case, such as this one, is not authorized by the Rules of Civil Appellate Procedure.

Further, we have only excused late filings in “exceptional” or “peculiar” circumstances, “such as recent changes in the law or interpretation issues” with respect to the very rules governing the taking of an appeal. See *In re Welfare of J.R., Jr.*, 655 N.W.2d 1, 4 (Minn. 2003). We have declined to establish a “good cause exception at the appellate court level.” *Id.* Therefore, irrespective of whether good cause has otherwise been shown by the grounds stated in the motions, Rule 126.02 does not authorize the requested extension. And because the circumstances of this case are not peculiar or exceptional in the manner we have previously recognized, we cannot extend the deadline for filing a petition for review.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the motions of petitioner Charles David Roberts for an extension of time to file a petition for review are denied.

Dated: May 25, 2023.

BY THE COURT:



G. Barry Anderson
Associate Justice