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Home > All News > Supreme Court revives late appeal in interest of justice



Supreme Court revives late appeal in interest of justice

Laura Brown // July 30, 2025 // 3 Minute Read

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In Brief

- Minnesota Court of Appeals found it lacked authority to reinstate appeals filed late due to court's failure to promptly send notice of entry of judgment.
- Minnesota Supreme Court** reinstated appeal in the interest of justice.
- Justice Procaccini** cites need for rule change to avoid delays and resultant prejudice to parties.

The Minnesota Supreme Court **reinstated an appeal** after it was dismissed as untimely due to the court administrator's failure to promptly send **notice of judgment**. The court concluded that it could use its inherent authority to allow the appeal to proceed despite the missed deadline.



"This case presents a conundrum of our own making," Justice Karl Procaccini wrote for the court. "And our rules provide a way for parties to receive notice of such a judgment, by requiring the court administrator to transmit notice of entry of judgment. But our rules provide no avenue for parties to seek relief when the court administrator fails to provide the required notice."

Wells Fargo filed a complaint against **Astra Genstar** Partnership seeking declaratory judgment regarding a property that Wells Fargo bought in foreclosure, claiming that Astra's development rights in a property were extinguished by the sale. Astra opposed, but the district court granted Wells Fargo's motion for judgment on the pleadings, ruling that Astra's interests were terminated by the foreclosure and redemption period.

The district court filed its order for judgment and directed entry of judgment on Dec. 28, 2023. The same day, the court administrator filed a notice of entry of judgment. "For reasons unknown," the Supreme Court ruling said, "the parties did not receive the notice of the district court's order or the entry of judgment at that time." Under Minn. R. Civ. App. P. 104.01, subd. 1., parties must appeal a judgment within 60 days of entry. Because the judgement was entered on Dec. 28, 2023, Astra's appeal was due on Feb. 26, 2024.



However, on March 15, 2024, Wells Fargo served notice of entry, stating that the district court e-served notice of entry of judgment on all parties on that day. On May 13, 2024, fewer than 60 days after Wells Fargo filed its notice and the district court e-served its notice, Astra appealed the judgment to the Court of Appeals.

Wells Fargo maintained that the appeal should be dismissed because, per the rule, it was late. Astra asked for the appeal to be allowed "in the interests of justice." However, the **Court of Appeals explained** that it could not accept jurisdiction over the **late appeal** or extend the filing time in the interests of justice.

"The e-filing system was intended to create a new era of transparency and visibility for the judicial system," asserted Howard Roston, shareholder at Fredrikson & Byron, who represented Astra. "But like all systems that involve computers and human beings, the system is not perfect."

"True, the district court, the clerk, the court administrator did not serve notice of the judgment. But notice is notice," Charles Nelson, partner at Ballard Spahr, who represented Wells Fargo, stated.

Unlike the Minnesota Court of Appeals, the Minnesota Supreme Court is permitted to reinstate late appeals in the interest of justice. While the court acknowledged that Wells Fargo will suffer prejudice if the appeal was reinstated due to the long delay, it ruled for Astra.

"We conclude that—given the unique circumstances of this case—the interests of justice compel reinstatement of the appeal," Procaccini wrote. Procaccini noted that this gap in rules — which requires a court administrator to transmit notice of the district court's judgment or order, but provides no remedy for when there is a failure to do so — is not unsolvable.

Procaccini cited the Rules of Federal Appellate Procedure, which provides a remedy to parties in a similar situation where the district court can reopen the time to appeal. At least 26 other states, Procaccini stated, have similar rules. Eleven states expressly provide that only service of notice of entry of judgment prompts the time to file an appeal.

"In other words, Minnesota is in the minority of states where the procedural rules set the trap presented here and also fail to provide relief when a party, through no fault of its own, is caught in the snare," Procaccini wrote.

While Procaccini stated that "it may be time for us to consider whether the Minnesota Rules of Civil Appellate Procedure should provide a remedy for the circumstances presented here," the court declined to do so in this ruling. He reasoned that this was beyond the scope of the case and noted that consideration of rule amendments was best left to the rulemaking process.

Tags: [appellate rules](#), [late appeal](#), [Minnesota Supreme Court](#), [Rule 104.01](#), [Justice Procaccini](#), [Appellate Law](#), [Astra Genstar](#), [court administrator error](#), [Wells Fargo](#), [Civil Procedure](#)

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