



MINNESOTA HISTORICAL SOCIETY  
Minnesota State Archives

## **ATTORNEY GENERAL: Commerce Division:**

### **An Inventory of its Litigation Files**

#### **OVERVIEW**

<b>Agency:</b>	Minnesota. Attorney General. Commerce Division.
<b>Series Title:</b>	Litigation Files.
<b>Dates:</b>	1965-1990.
<b>Abstract:</b>	Litigation files concerning cases heard before state courts and referred to the special assistant attorney general for the state Commerce Department.
<b>Quantity:</b>	19.25 cubic feet (20 boxes)
<b>Location:</b>	See Detailed Description section for box locations.

#### **ADMINISTRATIVE SCOPE OF THE COMMERCE DIVISION**

This division of the state Attorney General's Office provides legal advice to and represents the Minnesota Department of Commerce, which regulates the areas of banking, insurance, securities, and real estate. The division initiates or participates in lawsuits to enforce state laws in the areas of banking, insurance, securities, real estate, franchise, and subdivided land. It prosecutes securities and real estate fraud, defends constitutional challenges to client agency legislation, pursues disciplinary cases against persons licensed by client agencies, and handles various matters relating to insurance company solvency. In 1995 it became the Commerce and Gambling Division, and its representation expanded to include the Gambling Control Board, the Racing Commission, and the Minnesota State Lottery.

#### **SCOPE AND CONTENTS**

Litigation files regarding cases heard before the state district, U.S. district, and state supreme courts and the state hearing examiner, and referred to the special assistant attorney general for the state Commerce Department. The cases concern investigations of the sale of unregistered securities, unlicensed real estate activities, securities fraud, bank and branch bank operations, workers' compensation matters, public utility rates, health and automobile insurance provisions, miscellaneous environmental quality matters, and appeals of agency decisions in banking, insurance, and securities matters. The files contain pleadings, transcripts, depositions,

affidavits, correspondence, and related legal documents. Some files include background materials that pre-date their docketing.

## INDEX TERMS

*This collection is indexed under the following headings in the catalog of the Minnesota Historical Society. Researchers desiring materials about related topics, persons or places should search the catalog using these headings.*

### Topics:

Administrative agencies--Minnesota.  
Administrative laws--Minnesota--Interpretation and construction.  
Branch banks--Law and legislation--Minnesota  
Electric utilities--Minnesota--Rates.  
Environmental law--Minnesota  
Government litigation--Minnesota.  
Insurance, Health--Minnesota.  
Insurance--Minnesota.  
Litigating.  
Real estate business--Law and legislation--Minnesota.  
Securities fraud--Minnesota.  
Securities industry--Law and legislation--Minnesota.  
Workers' compensation--Law and legislation--Minnesota.

### Organizations:

Golden Rule Insurance Company.  
Minnesota. Dept. of Commerce.  
Northern States Power Company (Minnesota).

## ADMINISTRATIVE INFORMATION

### Preferred Citation:

*[Indicate the cited case number and title, and volume and page or item and folder title here].* Minnesota Attorney General. Commerce Division. Litigation Files. Minnesota Historical Society. State Archives.

*See the Chicago Manual of Style for additional examples.*

### Accession Information:

Accession numbers: 989-152; 988-172; 988-138; 994-114; 993-146; 993-35; 991-40; 999-33; 999-116

### Processing Information:

Catalog ID No.: 1713168

## DETAILED DESCRIPTION

*Note to Researchers: To request materials, please note both the location shown below.*

### Location

- 120.H.7.9B Doyle, James J., a/k/a Humbert, John Battisti, et al., v U.S., 1978-1982. 7 folders.
- Minnesota Trust Company of Austin v Western Surety Company and Commissioner of Insurance, 1965-1966. 3 folders. Banking case.
- Universal C.I.T. Industrial Credit Company v State, 1965-1966. 3 folders. Banking case.

### Location

- 120.H.7.10F No. 74-42-SEC. State v Coin Wholesalers Inc., Dollar Shelter Inc., et al., 1973-1975. 2 folders.
- No. 74-76-INS. Old Republic Life Insurance Company v State, 1972-1975.
- No. 74-111/74-190-SEC. State v Rentex Inc., et al., 1974-1975.
- No. 74-148-SEC. State v Rental Housing Directory, Inc., et al., 1974-1977.
- No. 74-186-BKG. First National Bank of Shakopee and the Prairie State Bank of Eden Prairie v State, 1974-1976.

### Location

- 120.H.8.1B No. 75-88-INS. The Travelers' Indemnity Company, et al. v State, 1973-1977.
- No. 75-89-INS. Madison National Life Insurance Company v State, 1975.
- No. 75-141-SEC. Otto David Christenson v State, 1974-1979.
- No. 77-12-SEC. State v Allstate Realty Corporation, et al., 1976-1978.
- No. 10277-C. Thomas Metzen, et al. v State, 1971-1977.
- No. 10470/10520-C. First Bank of Eden Prairie, et al. v State, 1972-1975.
- No. 10515-C. In the matter of West St. Paul Bank Application, 1973.
- No. 10567-C. Cecil McClain Latham v State, 1973-1974.
- No. 105173-C. State v Union Circulation Company, 1973-1975.
- No. 105196-C. State v MacDonald Laboratories, Inc., 1973-1975.

**Location**

120.H.8.2F Continental Life Insurance Company v State, 1966-1975.  
In the Matter of Winona Industries, Inc., 1976-1977.  
Robert A. Mampel v Zapp National Bank, 1976-1977.  
In the Matter of Title Insurance Company of Minnesota, 1978-1979.  
In the Matter of the Purchase of North American Life and Casualty  
Company, 1979.  
Eastern Heights State Bank of St. Paul, et al. v State, 1974-1979. 9  
folders.

**Location**

154.L.3.12F State Bank of Renville, et al., v State, 1976-1981.  
Pleadings, Files 1-7, 1976-1981. 7 folders.  
Transcripts, 1979-1981. 2 folders.  
Correspondence, 1976-1981.  
Minnesota Loan and Thrift Company v State, 1976-1978. 3 folders.

**Location**

120.G.16.2F Workers' Compensation Insurers Rating Association of Minnesota, et al.,  
v State of Minnesota, et al., 1981-1983.  
Case challenging the constitutionality of the workers'  
compensation act reducing the schedule of workers'  
compensation insurance rates by 15%.  
Correspondence.  
Pleadings. 6 folders.  
77-206-SEC. In re the Real Estate Broker's Licenses of AAA Budget  
Realty, Inc. and Richard J. Gill et al., 1977-1978. 5 folders.  
Hearing transcripts, pleadings, and correspondence.  
Richard J. Gill and AAA Budget Realty v the Commissioner of  
Securities and the Commerce Department, 1978-1983. 2 folders.  
Pleadings and correspondence.  
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**Location**

101.I.5.10F 76-219-160. A.A.A. Electric and Neon Sign Services, Inc. v the  
International Brotherhood of Electrical Workers, et al., 1976-1983. 6  
folders.  
Pleadings, correspondence, and hearing transcripts. They include  
documents re appeal to the Minnesota Supreme Court.

**Location**

101.I.5.10F                   INS-79-009-MG. In the matter of the Minnesota Workers' Compensation Insurers Rating Association of Minnesota for the Revision of the Schedule of Rates for Workers' Compensation, 1979-1984.  
Pleadings, 1979-1982. 4 folders.  
Pre-Conference Hearing, 1980.

**Location**

101.I.9.7B                   Correspondence, 1980-1981. 6 folders.  
Petition for Revision of Schedule. 3 folders.  
Briefs.  
Public Hearings Transcripts, March 1980.  
Testimony.  
Supreme Court File no. C9-83-190 Pleadings and Briefs, 1983-1984.  
2 folders.

**Location**

101.I.9.8F                   Transcript of Proceedings (incomplete), 1980. 7 folders and 19 volumes.  
Index (folder).  
Volumes 1-2, pages 1-302.  
Volumes 9-25, pages 803-2242.  
Volumes 29-30, pages 2572-2674.  
Volumes 32-38, pages 2742-3471.

**Location**

101.I.9.9B                   Vols. 39-41, pages 3472-3698  
Save the Kasota Prairie v Minnesota Environmental Quality Board, 1981-1982. 3 folders.  
Pleadings, correspondence, transcripts, and Supreme Court briefs re an environmental impact statement for a proposed mining and William W. Essling, Richard L. Leyh, and Insurance Equity Association, Inc. v Minnesota Commerce Department, 1981-1983. 5 folders.  
Pleadings, correspondence, transcripts, depositions, and Supreme Court briefs re the constitutionality of the Medicare Supplemental Insurance Act, Minnesota Laws of 1981.

**Location**

101.I.9.10F                 In re Northern States Power Company's Petition for Authority to Change its Electric Rates Schedule, 1980-1981. 6 folders.  
Pleadings, correspondence, hearing transcripts, briefs, and testimony.

**Location**

101.I.10.1B

Minnesota Express, Inc. et al. v Travelers Insurance Company, et al.,  
1981-1983. 4 folders.

Pleadings, correspondence, and Supreme Court briefs regarding  
Minnesota Workers' Compensation Laws and licensed motor  
carrier and warehouse employers.

Northern States Power Company v the Minnesota Public Utilities  
Commission, et al, 1982-1984. 5 folders.

Regarding retail rates for electric power.

Pleadings and Correspondence. 2 folders.

Supreme Court Briefs. 3 folders.

**Location**

101.I.10.2F

Insurance Federation of Minnesota et al. v Minnesota Commerce  
Department, 1985-1986. 11 folders.

Regarding proposed dram shop insurance.

Pleadings. 7 folders.

Correspondence.

Appeals File.

Legislative History.

Publicity.

In the matter of State Farm Mutual Automobile Insurance Company and  
Allstate Insurance Company. OAH Docket No. Com/I-86-011-AK  
and Court of Appeals Case No. C3-86-345, 1985-1986. 7 folders.

After receiving this case on appeal from the ruling of the Office  
of Administrative Hearings, the Minnesota Court of Appeals  
ruled on August 13, 1986. They declared that 1985 amendments  
to the Auto No-Fault Act requiring insurers to provide mandatory  
uninsured and underinsured motorist coverage was a single  
coverage and not separate coverages. They also ruled that  
provisions of the act prohibiting the stacking of uninsured and  
underinsured motorists coverages were valid.

OAH Docket, 1985-1986. 4 folders.

Pleadings, briefs, exhibits, correspondence.

Court of Appeals:

Pleadings, 1986.

Petitioners' Joint Brief and Appendix, April 10, 1986.

Opinion and Order, August 13, 1986.

**Location**

101.I.12.2F

Insurers' Action Council, Inc., et al., v Berton W. Heaton, Commissioner of Insurance, et al. U.S. District Court. District of Minnesota. Third Division, 1975-1981. Court File No. 3-76-440 Civil.

This case concerns the constitutionality of the Minnesota Comprehensive Health Insurance Act, first enacted in 1976 and amended 1977-1980. The law requires insurance carriers offer certain minimum levels of coverage and to participate in an insurance pool to provide major medical coverage for persons not ordinarily insurable. These and other provisions of the law were challenged by 20 insurance companies (Insurers' Action Council) on due process, equal protection, impairment of contract, and commerce clause grounds. The courts denied a preliminary injunction against implementation of the new law in December 1976; but U.S. Magistrate Patrick J. McNulty ruled for the plaintiffs in October, 1979. On appeal Edward J. Devitt, chief judge, U.S. District Court, over-ruled McNulty and upheld the constitutionality of the law in May, 1980.

Correspondence, 1976 -1981. 4 folders.

Deposition summaries, 1978 and undated.

Deposition transcripts (arranged chronologically), 1976-1979. 19 folders.

ERISA, 1975-1978.

Exhibits, 1979.

Exhibits (stipulation), Nos. 1-7, 1979.

**Location**

101.I.12.3B

Legal Cases (other states), 1975-1976.

Memorandum of state defendants, December 17, 1976.

Memorandum of law in support of plaintiff's motion for preliminary injunction, undated.

Memorandum and order, December 23, 1976.

Statement in opposition to state health insurance plans, February, 1977.

Orders, pleadings, briefs, undated and 1977-1981. 2 folders.

State Guaranty Laws: research papers, 1976-1978.

Memorandum Decision and Recommendation, October 1, 1979, Judge Patrick J. McNulty.

Comments and objections, findings and defendant's preliminary objections to Judge's Report, December 31, 1979.

Memorandum and Order, May 21, 1980, Judge Edward J. DeVitt.

**Location**

101.I.12.3B

Minnesota Power and Light v Burlington Northern Railroad. St. Louis County District Court. Sixth Judicial District. File 149 486. 1982-1984.

This case concerns Burlington Northern's raising the cost of shipping coal from mines in Montana to the MPL plant at Cohasset (near Grand Rapids). MPL felt that these increased costs were in violation of its existing tariff agreement with Burlington Northern and would add 13 million dollars per year to its costs for coal. These costs, of course, would be passed on to MPL's individual, commercial, and government customers in its 15-county service area. The case was settled out of court in 1984

Pleadings, Nos. 1-62, 1982-1984. 10 folders.  
Exhibits A-G, 1982-1984.

**Location**

101.I.12.4F

Exhibits (plaintiff), Nos. 1-83 (incomplete), 1982-1984. 2 folders.  
Appendix A-B, 1982-1984.

Correspondence, 1982-1984. 2 folders.

Deposition transcripts, February 23-25, 1983. 4 folders.

Exhibits, temporary injunction hearing, February 23-25, 1983. 1 volume.

Affidavit of Richard J. Leighton and exhibits, September 2, 1983. 1 volume.

**Location**

101.I.12.5B

Employees Mutual Benefit Association of St. Paul. Ramsey County District Court, Second Judicial District. Court File 407 912, 1975 - 1985.

This insurance company sold mostly life and health insurance to railroad employees and their dependents. As more employees retired and eventually died and fewer younger employees bought into the company, financial difficulties and bankruptcy loomed in late 1975. Thousands of people were faced with the possibility of losing money invested and holding worthless policies. The state created a receivership that ran the company for nearly ten years, and in 1985 sold the company to Benefit Trust Life Insurance Company of Chicago.

Correspondence, 1975-1985. 5 folders.

Depositions, May 11, 1978. 2 folders.

Pleadings register, 1975.

Pleadings, 1975-1985. 7 folders.

Report of Association examination, 1975.

Annual financial statements, 1976, 1984. 2 folders.

Rehabilitation plan (draft), 1975.





**Location**

101.I.13.3B

Nos. 91-109.  
Nos. 110-111: department exhibits 12-13.  
Nos. 112-114: department exhibits 14-15.  
Nos. 115-121.  
No. 122: December 9-10, 1986 transcript.  
Nos. 123-124: August 14, 1987 transcript.  
Nos. 125-138.  
No. 139: July 7, 1987 transcript.

**Location**

101.I.13.4F

No. 140: September 23, 1987 transcript.  
Nos. 141-154.  
Nos. 156-162: department exhibits 1-7.  
Nos. 163-167.  
No. 168: Appendix to Respondent's Brief.  
No. 169-1977.  
June 8, 1987 transcript: Richard J. Ruppel.  
June 8, 1987 transcript: Darrell S. Richey.  
June 8, 1987 transcript: John T. Ingrassia.  
Circa February 1988: petitioner's brief.  
February 24, 1988: Appendix to petitioner's brief.  
April 25, 1988: Brief of Respondent, Michael A. Hatch.  
undated: petitioner's reply brief.

Case number C4-87-493/ C6-87-494 (Court of Appeals):  
Correspondence, 1987-1988.  
Pleadings, 1-29, 1987.  
Supreme Court Pleadings, 1-3, 1987.  
Petition for Review of Decision of Court of Appeals, 1988. 2 volumes.

Case number C7-87-2285 (Court of Appeals):  
Correspondence, 1987-1988.  
Pleadings, 1-8, 1987.  
American Republic correspondence, 1987-1989.  
American Republic pleadings, 1-39, 1987.

Case number GRI -H1-2A (Office of Administrative Hearings, Judge Carol Grant):  
Correspondence, 1986-1988. 2 folders.  
Golden Rule policy, undated.  
Miscellaneous, 1980-1987. 2 folders.

**Location**

101.I.13.5B

Meeker County Assessment Benefit Association, 1933-1980, 1990. 5 folders.

The Meeker County Assessment Benefit Association, headquartered in Litchfield, was established in 1933 to pay a death benefit to beneficiaries of deceased members. Death benefits were accrued by assessing each surviving member one dollar. To join the association a three dollar membership fee was charged. The association held annual meetings, elected a board of directors, and had the normal slate of officers. By the time the association began liquidation proceedings in the late 1970s, it was the only assessment benefit association of its kind licensed in Minnesota. At its height it had more than 1,000 members. Its end came in 1990 when the liquidator was finally discharged. This collection documents the liquidation proceedings.

Articles of Incorporation, bylaws, amendments, 1933-1964.

Department of Insurance, financial examination reports, 1933, 1938, 1939, 1941, 1952, 1955, 1957, 1959, 1962, 1965, 1968, 1975.

Correspondence, 1975-1980.

Various returned notices and motions, 1978-1979.

Pleadings, 1-15, 1978-1979, 1990.

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