

STATE OF MINNESOTA
IN SUPREME COURT
A24-1134



Minnesota Alliance for Retired
Americans Educational Fund, et al.,

Petitioners,

vs.

Steve Simon,

Respondent.

O R D E R

The court of appeals filed an opinion in this matter on March 24, 2025. The time to file a petition for review of the decision expired on April 23, 2025. *See* Minn. R. Civ. App. P. 117, subd. 1 (requiring the petition for review to be filed “within 30 days of the filing of the Court of Appeals’ decision”). On April 24, 2025, petitioners Minnesota Alliance for Retired Americans Educational Fund, et al., electronically submitted a petition for review in the above-captioned matter, which was rejected by the Clerk of the Appellate Courts as untimely. That same day, petitioners filed a motion to accept a late petition for review, explaining that they submitted a timely petition for review on April 23, 2025, but inadvertently listed and filed it with the wrong case number, leading that petition to also be rejected. We have confirmed that petitioners did timely submit the petition for review, but

in the wrong appellate case number. Respondent Steve Simon responded and takes no position on the motion.

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

IT IS HEREBY ORDERED that the petition for review that was electronically submitted for filing on April 24, 2025, by Minnesota Alliance for Retired Americans Educational Fund, et al., will be accepted as filed by the Clerk of the Appellate Courts. The original petition for review shall be considered filed on April 23, 2025. *See* Minn. R. Civ. App. P. 125.01(c)(1) (stating that “any document electronically submitted for filing” is considered filed at the time and date of electronic filing, “so long as it is accepted by the clerk upon review”). This does not excuse petitioners’ failure to file the petition in and with the correct case number. But “[a] party’s failure to take any step other than timely filing the petition does not require dismissal of the appeal.” Minn. R. Civ. App. P. 117, subd. 1(b). Here, the petition for review that was electronically submitted for filing under the correct case number on April 24, 2025, will be accepted by the Clerk of the Appellate Courts as a filing that is correcting deficiencies of the originally submitted petition for review that, by way of this order, is deemed to have been timely filed on April 23, 2025. Petitioners’ motion to accept a late petition for review is thus denied as moot. Respondent shall have 21 days from the date of this order to file and serve a response to the petition for review.

Dated: May 21, 2025

BY THE COURT:

A handwritten signature in black ink, appearing to read "Natalie E. Hudson".

Natalie E. Hudson
Chief Justice