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Minn. Stat. § 480A.08, subd. 3 (2010).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A11-1294**

Anthony Osuji,
Respondent,

vs.

Charles Azonwu,
Appellant,

Blessing Azonwu,
Appellant.

**Filed May 14, 2012
Reversed and Remanded
Ross, Judge**

Ramsey County District Court
File No. 62-CO-10-4971

Anthony Osuji, Savage, Minnesota (pro se respondent)

Charles Azonwu, White Bear Lake, Minnesota (pro se appellant)

Blessing Azonwu, White Bear Lake, Minnesota (pro se appellant)

Considered and decided by Ross, Presiding Judge; Hudson, Judge; and Halbrooks,
Judge.

UNPUBLISHED OPINION

ROSS, Judge

Anthony Osuji sued Charles and Blessing Azonwu in conciliation court in November 2010 to resolve a payment dispute over the shipping of a car and other things to Nigeria. On June 13, 2011, Osuji prevailed and received a \$7,575 judgment, which the conciliation court stayed to allow the Azonwus a period to challenge the decision in the district court. The Azonwus filed their district court challenge on July 11, 2011, and the district court dismissed it as untimely. The Azonwus now appeal that dismissal.

We conclude that the Azonwus filed their conciliation-court challenge in the district court within the time allowed. A party has 20 days from the date the court administrator mails the notice of a conciliation court judgment to effectively remove the case to the district court for review. Minn. R. Gen. Pract. 521(b). The district court's rejection of the Azonwus' challenge rested on its interpretation and application of rule 521(b). Because the district court's decision involved the interpretation of a procedural rule, we review the decision de novo. *See Modrow v. JP Foodservice, Inc.*, 656 N.W.2d 389, 393 (Minn. 2003).

The 20-day challenge period of rule 521(b) does not begin to run immediately on the judgment, but rather on service of the notice of the judgment. More precisely, the challenge period commences three days after the notice is mailed. *See Minn. R. Civ. P. 6.05: Wilkins v. City of Glencoe*, 479 N.W.2d 430, 431–32 (Minn. App. 1992). To reduce the likelihood that persons unfamiliar with court rules will be confused, the judgment

notice itself must expressly state the last day for removing the action to the district court. Minn. R. Gen. Pract. 514.

The conciliation court's stayed judgment notice informed the parties here specifically that "the judgment shall become finally effective on the date specified . . . below" and then stated, "[T]he [j]udgment is stayed by law until: July 11, 2011 (to allow time for an appeal/removal) if desired." This date is consistent with the period as calculated under the rules. The district court administrator dated the notice of judgment on June 17. Assuming the notice was immediately mailed, the 20-day period began to run on June 21, making July 10 the apparent final day of the period. But July 10, 2011, was a Sunday, and so the deadline automatically transfers to the next working day, July 11. *See* Minn. R. Gen. Pract. 503 ("If the last day of the time period is anything other than a working week day, then the last day is the next working week day.").

The Azonwus' July 11 filing therefore was timely based both on an independent calculation from the rules and on the express date written on the judgment notice. We observe that the register of actions declares July 12, 2011, as the date the Azonwus filed their removal to the district court. But the register is plainly mistaken; the Azonwus' appeal papers and accompanying affidavits of service are time-stamped by the court administrator July 11, 2011. Perhaps this mistake explains the district court's decision, since July 12 is one day beyond the deadline. Whatever the reason for the error, we reverse and remand this case to the district court with instructions to accept the Azonwus' challenge as timely filed.

Reversed and remanded.