

**FILED**

July 14, 2017

**OFFICE OF  
APPELLATE COURTS**

STATE OF MINNESOTA  
IN COURT OF APPEALS

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Megan Ashley Olson,  
Helen Faye Olson,

Respondents,

**STATEMENT OF THE CASE OF  
APPELLANT**

Trial Court Case No.: 70-CV-15-19441

vs.

Appellate Court Case Number: \_\_\_\_\_

One 1999 Lexus,  
MN License Plate:851LDV  
VIN: JT6HF10U6X0079461,

Appellant.

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1. **Court of case origination and name of presiding judge.** The Honorable Christian S. Wilton of the Scott County District Court.

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2. **Jurisdictional statement**

**(A) Appeal from district court.**

**Statute, rule or other authority authorizing appeal:** Minn. R. Civ. App. P. 103.03(a).

**Date of entry of judgment or date of service of notice of filing of order from which appeal is taken:** The district court filed its Order Granting Summary Judgement and Judgement on May 24, 2017.

**Authority fixing time limit for filing notice of appeal:** Minn. R. Civ. App. P. 104.01, subd. 1 provides for an appeal from a judgement within 60 days of its entry.

Date of filing any motion that tolls appeal time:

Date of filing of order deciding tolling motion and date of service of notice of filing:

(B) Certiorari appeal.

Statute, rule or other authority authorizing certiorari appeal:

Authority fixing time limit for obtaining certiorari review:

(C) Other appellate proceedings.

Statute, rule or other authority authorizing appellate proceeding:

Authority fixing time limit for appellate review:

(D) Finality of order or judgment.

**Does the judgment or order to be reviewed dispose of all claims by and against all parties, including attorney fees? Yes (X) No ( )**

If no:

Did the district court order entry of a final partial judgment for immediate appeal pursuant to MINN. R. CIV. APP. P. 104.01? Yes ( ) No ( ) or

If yes, provide date of order:

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If no, is the order or judgment appealed from reviewable under any exception to the finality rule? Yes ( ) No ( )

If yes, cite rule, statute, or other authority authorizing appeal:

(E) Criminal only:

Has a sentence been imposed or imposition of sentence stayed? Yes ( ) No ( )

If no, cite statute or rule authorizing interlocutory appeal:

3. **State type of litigation and designate any statutes at issue.** Civil DWI Forfeiture, Minn. Stat. 169A.63.

4. **Brief description of claims, defenses, issues litigated and result below.**

By Order and Judgement filed May 24, 2017, the Scott County District Court held that Minn. Stat. 169A.63 -- Minnesota's DWI forfeiture statute -- violated Due Process on its face because it failed to provide prompt, meaningful review of a DWI forfeiture of a vehicle.

In this case, Megan Olson was caught driving drunk and charged with First Degree DWI on August 16, 2015. She was driving a 1999 Lexus, which was seized for forfeiture by the Shakopee Police Department. Megan Olson was served a Notice of Seizure and Intent to Forfeit Vehicle. The vehicle was registered to Megan Olson's mother, Helen Olson. Helen Olson was also served a Notice of Seizure and Intent to Forfeit Vehicle by mail that same day.

On October 7, 2015, Megan and Helen Olson filed a joint Demand for Judicial Determination of the forfeiture, raising many defenses and claiming that the statute was unconstitutional for many reasons, including that it violated Due Process.

On October 14, 2016, Megan and Helen Olson moved for summary judgement. The State argued that summary judgement should be denied because there were material questions of fact in dispute -- Helen Olson claimed to be an innocent owner, but the State intended to rebut the presumption of ownership and show that Megan Olson was the owner-in-fact. The State also argued that Due Process was not violated because there was hardship relief from the forfeiture, there was a process for an expedited hearing, there was a petition for remission or mitigation, and there were other procedures available under the Rules of Civil Procedure, but neither Megan nor Helen Olson took advantage of any of these.

On May 24, 2017, the district court granted the summary judgement motion, and held that the statute was unconstitutional because it violated Due Process by failing to provide "prompt, meaningful review...."

The State now appeals this determination.

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**5. List specific issues proposed to be raised on appeal.**

Does Minnesota's DWI vehicle forfeiture statute violate Due Process by failing to provide prompt review of a DWI forfeiture?

**6. Related appeals.**

**List all prior or pending appeals arising from the same action as this appeal. If none, so state.** None.

**List any known pending appeals in separate actions raising similar issues to this appeal.** None known.

**7. Contents of record.**

**Is a transcript necessary to review the issues on appeal? Yes (X) No ( )**

If yes, full ( X ) or partial ( ) transcript?

Has the transcript already been delivered to the parties and filed with the trial court administrator? Yes ( ) No (X)

If not, has it been ordered from the court reporter? Yes (X) No ( )

If a transcript is unavailable, is a statement of the proceedings under Rule 110.03 necessary? Yes ( ) No ( )

In lieu of the record as defined in Rule 110.01, have the parties agreed to prepare a statement of the record pursuant to Rule 110.04? Yes ( ) No ( )

8. Is oral argument requested? Yes (X) No ( )

If so, is argument requested at a location other than that provided in Rule 134.09, subd. 2? Yes ( ) No (X)

If yes, state where argument is requested:

9. Identify the type of brief to be filed.

Formal brief under Rule 128.02. ( X)

Informal brief under Rule 128.01, subd. 1 (must be accompanied by motion to accept unless submitted by claimant for reemployment benefits). ( )

Trial memoranda, supplemented by a short letter argument, under Rule 128.01, subd. 2. ( )

10. Attorneys for Appellant: Ronald Hocevar  
Scott County Attorney

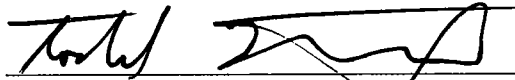
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Dated: July 14, 2017

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**Attorney for Appellant**

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