

STATE OF MINNESOTA
COUNTY OF BLUE EARTH

IN DISTRICT COURT
FIFTH JUDICIAL DISTRICT
Case Type: Dissolution with children
Court File No. 07-FA-22-3533
Honorable Andrea J. Lieser

In Re the Marriage of:

Candace Marie Hottinger,

Petitioner,

and

Kenneth Robert Hottinger,

Respondent.

**AFFIDAVIT OF ANDREW M. TATGE IN SUPPORT
OF PETITIONER'S MOTION FOR ATTORNEY'S FEES**

1. I am an attorney at the law firm of Gislason & Hunter, LLP, counsel for Petitioner Candace Marie Hottinger, and make this affidavit in support of Petitioner's motion.

2. Attached as **Exhibit A** is a true and correct copy of a child support guidelines worksheet reflecting the parties' financial circumstances and the following inputs: Ken having 25% parenting time; Candace's gross monthly income of \$4,280.42; Ken's gross monthly income of \$18,000; \$2,866.00 of spousal maintenance from Ken to Candace; and \$270.00 in healthcare coverage premium costs for the joint minor children.

3. Attached hereto as **Exhibit B** is a true and correct copy of my January 10, 2023 letter to Husband, who was self-represented at the time, enclosing Petitioner's Interrogatories, Requests for Admission and Request for Production of Documents (First Set). Husband obtained new counsel on January 20, 2023. During a phone call with Ms. Flooding on February 2, 2023 she stated that discovery responses would be provided by February 24, 2023. As of the date of this affidavit, I have not received any answer or response to the discovery demands served.

4. Prior to bringing this motion, I have engaged in a good faith effort to acquire Husband's full and complete answers and responses to Wife's Interrogatories and Requests for Production of Documents. These efforts have included the above referenced communication with Husband and subsequent communication with Husband's new Counsel.

5. The Gislason & Hunter LLP (Gislason) family law practice group's hourly rates for 2023 are as follows: Partner Andrew M. Tatge (AT) \$410.00; Associate Christine E. Barkley (CB) \$280.00; and Paralegal Nicole Pinkston (NMP) \$220.00.

6. Shown below is a true and correct itemization of the professional services billed to Petitioner by Gislason through April 7, 2023, related to the discovery components of the motion. There will of course be additional time spent preparing for and attending the hearing. I am requesting that Gislason be awarded \$1,110.00 in fees associated with the discovery portion of this motion and the \$80 filing fees. A description of the services provided, the individual providing the services, the date of performance, duration, and an itemized list of the costs and expenses for such services is provided below. Portions of some descriptions have been redacted to protect attorney-client privilege. I have reviewed all the work in progress and the time records to ensure the work was actually performed on behalf of Petitioner and was necessary.

Date	Timekeeper	Time	Description of Work Performed	Amount
3/4/23	AT	0.25	Email with attorney Tara Flooding regarding discovery and moving matter forward	\$102.50
3/6/23	AT	0.25	Discussion with staff re: motion to compel discovery	\$102.50
3/6/23	CB	1.50	Review file, draft motion to compel discovery, memorandum of law, and affidavit of Andrew Tatge	\$420.00
3/7/23	NMP	-	Email with court regarding request for motion hearing	-
3/7/23	CB	1.00	Revise motion to compel discovery and affidavit of Andrew Tatge, discussed with attorney Andrew Tatge, reviewed client emails	\$280.00
3/30/23	AT	0.50	Review and edit motion papers	\$205.00
			Motion filing fee	\$80.00
			TOTAL ATTORNEY FEES AND COSTS	\$1,190.00

7. I declare under penalty of perjury that everything I have stated in this document is true and correct.

Dated this 12th day of April, 2023, at
Blue Earth County, Minnesota.

/s/ Andrew M. Tatge
Andrew M. Tatge

Child Support Guidelines Worksheet

Parent A: Ken Hottinger IV-D Case Number: _____ Number of Joint Children: 2
 Parent B: Candace Hottinger Court File Number: _____ Date: 04/05/2023

Parent B is Custodial Parent

		Parent A	Parent B	Combined
Income	1a. Monthly Income Received	18,000	7,146	
	1b. Child(ren)'s Social Security / Veterans' Benefits derived from the party's eligibility	0	0	
	1c. Potential Income	0	0	
	1d. Spousal Maintenance Orders Obligated to be Paid	2,866	0	
	1e. Monthly Gross Income (1a+1b+1c-1d)	15,134	7,146	
Adjustments	2a. Number of Nonjoint Child(ren) without a support order (Maximum number allowed is 6)			
	2b. Deduction for Nonjoint Child(ren) without a support order			
	2c. Child Support Order(s) Obligated to be Paid for Nonjoint Child(ren)	0	0	
	3. Parental Income for Child Support (PICS)	15,134	7,146	22,280
	4. Percentage Share of Combined PICS	68 %	32 %	
	5. Combined Basic Support Obligation			2,575
	6. Pro Rata Basic Support Obligation	1,751	824	
	7. Basic Support Obligation After Parenting Expense Adjustment (if applicable)	1,656	0	
Basic Child Support Obligation				
Child Care Obligation	8. Child Care Support Obligation for Joint Child(ren)		0	
Medical Support Obligation	9a. Monthly Cost of Health Care Coverage for Joint Child(ren)		220	220
	9b. Pro Rata Share of Health Care Coverage Costs	150	70	
	9c. Contribution to Health Care Coverage	150		
Appropriate Coverage Available	9d. Monthly Cost of Dental Coverage for Joint Child(ren)		40	40
	9e. Pro Rata Share of Dental Coverage Costs	27	13	
	9f. Contribution to Dental Coverage	27		
	9g. Medical Support Obligation-Appropriate Coverage Available	177		
No Appropriate Insurance Available	10. Medical support Obligation for Public Coverage			
Uninsured / Unreimbursed Expenses	11. Share of Uninsured and / or Unreimbursed Medical Expenses	68 %	32 %	
	12. Net Child Support Obligation	1,833		
Benefits Adjustment	13. Child(ren)'s Social Security/Veterans' Benefits Derived from Parent's Eligibility	0	0	
Computing a Final Obligation	14. Total Child Support Obligation	1,833	0	
	15a. Parental Income for Child Support (PICS)	15,134	7,146	
	Amount Minnesota law allows to support yourself	1,458	1,458	
Ability to Pay	15b. Income Available for Support (Line 15a - 120% of monthly FPG)	13,676	5,688	
Calculation	16. Monthly Child Support Obligation - No Adjustment Necessary	1,833	0	
	17. Amount of Reduction			



Parent A: Ken Hottinger IV-D Case Number: _____ Number of Joint Children: 2
 Parent B: Candace Hottinger Court File Number: _____ Date: 04/05/2023

Parent B is Custodial Parent

Child Support Obligation Adjustment	18.	Medical Support			
		Original Obligation			
		Amount of Reduction			
		New Obligation			
	19.	Child Care Support			
		Original Obligation			
		Amount of Reduction			
		New Obligation			
	20.	Basic Support			
		Original Obligation (line 7 - line 13)			
		Amount of Reduction			
		New Obligation			
	21.	Monthly Child Support Obligation After Adjustment			
Presumptive Minimum Order / Basic Support Only	22.	Presumptive Minimum Order based on the number of joint children			

GISLASON & HUNTER LLP
ATTORNEYS AT LAW

January 10, 2023

Andrew M. Tatge
507-387-1115
atatge@gislason.com

SENT VIA U.S. MAIL ONLY

Mr. Kenneth R. Hottinger
108 Warbler Path
Mankato, MN 56001

Re: Candace Marie Hottinger and Kenneth Robert Hottinger Dissolution of Marriage
Our File No. 34858-1

Dear Mr. Hottinger:

Enclosed and served upon you via U.S. Mail, please find Petitioner's Interrogatories, Requests for Admission, and Request for Production of Documents (First Set). By law, you are required to provide full and complete responses under oath to these requests within 30 days.

I also have not heard from you or any attorney representing you concerning my prior correspondence. At minimum, I would like to agree and appoint someone, I had proposed Mitchell Hiley, to be a neutral financial expert in this matter to provide valuation, cash flow and other financial litigation support and service. If I do not hear from you, this will need to be addressed with the court. **I have gone ahead and secured a motion hearing date for February 24, 2023, beginning at 3:00 p.m.** If we need court involvement, I will be asking for additional relief from the court including additional attorney's fees and postponement of the trial.

Please give this matter your urgent consideration and respond to me with your position on these matters. I strongly urge you to obtain an attorney of your own choosing and to have that person contact me immediately to discuss.

Sincerely,

Andrew M. Tatge

AMT:NP
Enclosure
Cc: Candace Hottinger



STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF BLUE EARTH

FIFTH JUDICIAL DISTRICT

In Re the Marriage of:

Case Type: Dissolution with Children

Court File No. 07-FA-22-3533

Candace Marie Hottinger,

The Honorable Andrea J. Lieser

Petitioner,

and

Kenneth Robert Hottinger,

Respondent.

**PETITIONER'S INTERROGATORIES, REQUESTS FOR ADMISSION AND
REQUEST FOR PRODUCTION OF DOCUMENTS (FIRST SET)**

TO: THE ABOVE-NAMED SELF-REPRESENTED RESPONDENT, KENNETH R. HOTTINGER, 108 WARBLER PATH, MANKATO, MINNESOTA 56001:

PRELIMINARY STATEMENTS

PLEASE TAKE NOTICE, that in accordance with Rules 33 and 34 of the Minnesota Rules of Civil Procedure, You are hereby requested to respond to the following Interrogatories and Request for Production of Documents within thirty (30) days. These interrogatories and requests for production of documents are to be considered continuing in nature, and in the event You or Your Business discover information or documents during the course of this litigation which would be responsive to, supplement or alter Your answers and/or responses to the following interrogatories and requests for production of documents, You are instructed to furnish all such information at the earliest practicable time. **OBJECTION WILL BE MADE AT THE TIME OF TRIAL TO ANY ATTEMPT TO INTRODUCE EVIDENCE WHICH IS SOUGHT BY THESE INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS AND TO WHICH NO DISCLOSURE HAS BEEN MADE.**

PLEASE ALSO TAKE NOTICE, that the requesting party demands, pursuant to Rules 33 and 36 of the Minnesota Rules of Civil Procedure, that You answer within thirty (30) days of the service hereof, or within such time or times as the Court shall order after the service hereof, the following requests for admission.

PLEASE ALSO TAKE NOTICE, that You have a fiduciary obligation to present full and complete information to the dissolution court. If you claim that any interrogatory or request for production of documents is objectionable because answering the question will result in an undue burden or expense to You, you are directed to contact the undersigned to address your claim of undue burden or expense before answering this question. If an agreement to limit your response

cannot be agreed upon, you are directed to either answer the interrogatory or request for production of documents in full or seek a protective order under Rule 26.03 of the Minnesota Rules of Civil Procedure before expiration of said time to answer the interrogatory or request for production of documents.

PLEASE ALSO TAKE NOTICE, THAT IF YOU FAIL TO ADMIT THE GENUINENESS OF ANY DOCUMENTS OR THE TRUTH OF ANY MATTER AS REQUESTED, AND IF THE REQUESTING PARTY THEREAFTER PROVES THE GENUINENESS OF THE DOCUMENT OR THE TRUTH OF ANY SUCH MATTER, THE REQUESTING PARTY WILL APPLY TO THE COURT FOR AN ORDER REQUIRING YOU TO PAY THE REASONABLE EXPENSES INCURRED IN MAKING THAT PROOF, INCLUDING REASONABLE ATTORNEYS' FEES, PURSUANT TO RULE 37.03 OF THE MINNESOTA RULES OF CIVIL PROCEDURE.

INSTRUCTIONS

The following interrogatories, requests for admission, and requests for production of documents are to be read, interpreted, and answered with reference to the following instructions:

1. In each instance where You are requested to “identify” a document, in lieu of identification You may supply fully legible copies of all such documents as attachments or exhibits to Your answers to these interrogatories. This permission, however, shall in no way prejudice the requesting party’s right to require production of documents under Rule 34 of the Minnesota Rules of Civil Procedure.

2. The singular form of a word – e.g. “document” or “person” – shall also refer to the plural and vice-versa, words used in the masculine, feminine or neutral gender refer to and include all genders, and the disjunctive includes the conjunctive and vice-versa.

3. If any information is responsive to any of the following interrogatories, and is withheld based on any claim or claims of privilege, all such information must be identified in a separate “Privilege Log,” which Log must (1) describe generally the substance or subject matter of the information, communication, or document withheld; (2) the privilege being relied upon or claimed; (3) the basis for any claimed privilege; (4) the recipient(s) and author(s) of the document or the participants in the communication; and (5) the identity of all persons or entities who have had access to such information, communication, or document. We are specifically demanding identification of all information, including that which is with or in the files of Your attorneys.

4. These interrogatories are deemed to be continuing in nature and should You, Your Business, Your counsel, or anyone representing Your interests become aware of or acquire any additional knowledge or information which affects the completeness or accuracy of any answers to those interrogatories, requests for admission, or request for production of documents or if any witnesses are added, it is hereby demanded that such knowledge or information be immediately transmitted to the undersigned by way of supplemental answer and by way of giving timely notice thereof.

5. Pursuant to Rule 36 of the Minnesota Rules of Civil Procedure, as to each request for admission herein, You are hereby placed on notice that: (1) as to each request for admission set forth below, the matter is admitted unless within 30 days after service of the request, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter; (2) if objection is made to any of the requests for admission set forth below, the reasons therefore shall be stated; (3) the answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter; (4) a denial shall fairly meet the substance of the requested admission and, when good faith requires that a party qualify an answer, or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder; (5) a party may not give lack of information or knowledge as a reason for failure to admit or deny unless the party states that a reasonable inquiry has been made and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny; and (6) a party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request.

6. If the answer to any interrogatory, request for admission or request for production of documents is that You lack knowledge of the requested information, describe all efforts made by You to obtain the information necessary to answer the interrogatory.

7. These requests for production of documents apply to any document in Your possession, custody, or control, or in the possession, custody, or control of Your Business or Your agents, representatives, employees or attorneys. It extends to documents that You or Your Business have a right or opportunity to copy, regardless of ownership, as well as documents located outside of the territorial jurisdiction of this court. A request for production of documents also includes all originals and copies that are not identical to original documents within your possession, custody, and control, or possession, custody, and control of your agents, employees, representatives, attorneys, and accountants or any other person acting or purporting to act on your behalf.

8. As required by the Rules of Civil Procedure, when producing documents responsive to these requests, you are required to organize and designate the documents according to which requests they are produced, or alternatively, produce them as they are kept in the usual course of business.

9. In the event Your answer to any interrogatory or subpart thereof is “not applicable” or any similar phrase or answer, You shall describe in detail why the interrogatory or subpart thereof is not applicable.

10. Objection will be made at trial to the admission of information or documents requested that are not timely provided by you.

DEFINITIONS

The following interrogatories, requests for admission, and requests for production of documents are to be read, interpreted, and answered with reference to the following definitions:

11. "You" or "Your" means and refers to you and all of your agents, representatives, insurers, assistants, or attorneys, and all other persons or entities acting on your behalf.
12. "Document" or "writing" refers to the original and all non-identical copies or reproductions of any written, printed, typed, electronically stored, or recorded matter of any kind known to You or in Your possession, custody or control, including but not limited to:
 - a. Letters, correspondence, telegrams, wires, memoranda, instructions, calendars, diaries, desk books, reports, studies, surveys, speeches, minutes, pamphlets, notes, records, charts, tabulations, compilations, accounting records, inter-office and intra-office communications, tape or other voice recordings, video recordings, records of meetings, conferences, telephone conversations or other communications and drafts of any of the foregoing.
 - b. Microfilm; microfiche; other reproductions or film impressions; and data stored in any computer or computer system, whether magnetically, electronically, or otherwise.
13. "Identify," when used with respect to an individual, means to give the individual's name, present or last known address and telephone number, and the position and business affiliation of the individual at the time of his or her actions in connection with the matters alleged in this action.
14. "Identify," when used with respect to Your Business, or any other corporation, partnership, organization, or other entity, means to state the name of such corporation, partnership, organization or entity; the address of its principal place of business; and the identity of all individuals who acted on its behalf in connection with the matters alleged in this action.
15. "Identify," when used with regard to a document or writing, means to give the type of document or writing (e.g., letter, memorandum, telegram, chart, report, recording, etc.), date created, any identifying symbol, if any, and the identity of the author, addressee, and each recipient of such document.
16. "Describe," when used with respect to a communication, a meeting, an act, or conduct, means to give, state, or identify the following:
 - a. The date of the communication, meeting, act, or conduct; where it took place; and the person or persons present;
 - b. If a communication or meeting, the words or substance of the communication or meeting; the person making the particular statements so listed; the mode of communication (e.g., writing, telephone, in-person); and the location of each of the participants;

c. If an act or conduct, the detail of the act or conduct being described and what each person participating in such act or conduct did.

17. "Date" means the exact day, month, and year if ascertainable; if not, the closest approximation that can be made thereto.

18. "Custody," "Legal Custody," "Physical Custody," "Marital Property," "Nonmarital Property," and "Parenting Time" have the meanings assigned to them in Minnesota Statutes Section 518.003.

19. "Basic Support," "Child Care Support," and "Medical Support" have the meanings assigned to them in Minnesota Statutes Chapter 518A.

20. "Income" means any form of periodic payment including, but not limited to, wages, salaries, payments to an independent contractor, workers' compensation, unemployment compensation, annuity, military and naval retirement, pension and disability benefits, rent, dividends, capital gains, interest, annuities, disability income, Social Security benefits, unemployment compensation, worker's compensation, retirement assets, deferred compensation programs, public assistance, daycare assistance, rental or housing subsidies, personal injury settlement, lottery or gambling winnings, sale of assets, gifts, or any other income or payments to You, Your Business, or made on Your behalf. Income includes both income that has been disclosed for tax or other purposes and income which has not been disclosed for tax or other purposes.

21. "Possession," "custody" or "control" includes the joint or several possession, custody, or control not only by You or Your Business, but also the joint and several possession, custody, or control by each or any other person acting or purposing to act on behalf of You or Your Business, whether as employee, attorney, accountant, agent, sponsor, spokesman, or otherwise.

22. "Your Business" means any entity, business, limited liability company, corporation, partnership, sole proprietorship, farming operation, joint tenancy, tenancy in common, business undertaking, for-profit operation, joint venture or other operation in which You or Your spouse have an interest in presently or had an interest in within one year immediately preceding commencement of this proceeding or in which you claim is or consists of nonmarital property.

23. "Your spouse" shall mean the party serving you with this request.

24. The words "concern" or "concerning" include referring to, alluding to, responding to, relating to, connected with, commenting on, with respect to, about, regarding, discussing, showing, recording, describing, mentioning, reflecting, analyzing, constituting, evidencing or pertaining to.

25. The words "fact" or "facts" include either the singular or the plural as the case may be and mean a thing along, something having actual existence, and actual occurrence or

event, or any information presented as having objective reality. The word "evidence" shall include facts.

INTERROGATORIES

1. Income. State with particularity all sources from which You have derived any income during the past two years, including income year-to-date, providing: the name and address of the person or entity from whom You received this income; an itemization of the amounts received from each transaction or occurrence; the dates on which any amounts were received; the amount of the gross and net income from each source, listing all deductions in connection therewith; and a summary of the services involved, terms of, and basis from which You received or are receiving the income.

2. Employment Benefits. Describe fully all benefits or other compensation to which You are entitled through each current employment, including but not limited to, expense reimbursements or allowances; automotive privileges; insurance programs or packages (life and health); stock option plans; deferred compensation plans; and club memberships.

3. Your Business. With regard to Your Business, separately provide the following information:

- a. A complete list of all assets owned by Your Business, along with your position on the fair market value of each asset, including but not limited to, real property, personal property, vehicles, machinery, equipment, supplies, accounts receivable, etc.,
- b. State and list all products and services offered by Your Business.
- c. Provide management's projection for total revenues, gross profit and pre-tax earnings for the next two years.
- d. Describe and list any contingent or off-balance sheet assets, such as potential lawsuit recoveries, cash value of life insurance, supplies, inventory, equipment not in use, and so on, not disclosed in the latest annual financial statements.
- e. Does Your Business have plans that would significantly affect sales, such as new products or territories? If so, describe these plans, including the desired time frame and financing requirements.
- f. Describe how owners and staff are compensated and provide a list of the compensation structure.

4. Property or Income Held By Others. Does any person, firm, government agency, or business entity hold any marital property, nonmarital property, or income for You, for Your benefit, or for Your Business's benefit? If so, for each item state: the name and address of each such persons, firm, government agency, or business entity; the description of what is held; the condition under it is held; the approximate value of what is held; and whether you claim such items are marital property or nonmarital property.

5. Vehicles; Machinery; and Equipment. Describe in detail and list each automobile, truck, boat, motorcycle, recreational vehicle or other vehicle, machinery, tools, or

equipment owned or leased by You, by Your Business, or by any other person on Your behalf, during the past year stating:

- a. the year and model of the item;
- b. the purchase price and date of purchase, or the value and date of lease or other acquisition;
- c. the name and address of the registered owner;
- d. the agreement, if any, for the use thereof including maintenance and gasoline expense;
- e. the amount of any encumbrance;
- f. the lienholder and the payment schedule remaining;
- g. and the fair market value of each item.

6. Stocks and Securities. Itemize all shares of stock and/or other securities which You own or in which You have a legal and/or equitable interest which you have not disclosed in one of the preceding interrogatories, including any shares of stock or security which are held in trust for You by another person or business entity. For each security state: the name of the issuing entity; the class of security; any certificate numbers and the number of shares You own; the date and mode of acquisition by You together with the purchase price or if otherwise acquired, Your basis in which for tax purposes; and the present market value for each share, stating Your source for such valuation.

7. Bonds. Itemize all which You own either legally or equitably, stating: the name of the issuing entity; the date and mode of acquisition; the maturity or due date; and the rate of interest, the present value, the expected value, and the source of such valuation.

8. Financial Assets. Itemize all checking accounts, savings accounts, stock, securities, bonds, warrants or debentures, including savings bonds, certificates, money market funds, currency, coins, cash equivalencies, checks received but not deposited, petty cash, and any other short-term, highly liquid investments, including but not limited to U.S. Treasury bills and commercial paper, in which You have any interest, stating: the name and address of each depository; the account or certificate numbers; the names under which each account is registered; and the present balance or value, if any, or the balance at the time the account was closed or certificate redeemed.

9. Frequent Flyer Miles and Points. Disclose all frequent flyer miles, points, bonus programs, and the like, including account balance and fair market value and any use of miles, points, or other bonus programs since commencement of this proceeding.

10. Other Investments. Itemize all other investments of any kind or nature owned by You or in which You claim an interest, whether represented by corporate securities, partnership certificates (general or limited), or other evidence of ownership, describing each such investment including the existence of and extent of any encumbrance on any such investments together with any restrictions on marketability, buy-sell agreements, or other limitations affecting value.

11. Estates and Trusts. If You have an interest in a present estate or probate proceeding, or if You are the settlor, beneficiary or trustee of any trust, fully describe the trust and Your interest therein, including but not limited to, the name of each grantor or settlor; the name of each beneficiary; the name of each trustee; and the terms of the trust instrument. You may attach a copy of each trust instrument, or copies of all estate or probate proceeding documents in lieu a written response to this Interrogatory.

12. Life Insurance. Itemize all life insurance or annuity policies owned by You or Your Business in which You have an interest as a beneficiary or an insured including: the type of policy and the policy number; the name of the insurer and the face amount of each policy; the names of the primary and/or contingent beneficiaries and owner; the cash surrender value and the amount of any loans against the policy; a schedule showing what, if any, changes were made to the policies within the last three years; and the premium for each policy.

13. Safe Deposit Box. If You have a safe deposit box, state the date You begin renting the box, the name and address of the bank, the itemized contents thereof and any changes to the contents during the six months prior to the commencement of this action, the last date You opened the box and the reason, and the names of all persons who have access to the box.

14. Disclosure of Other Marital Property and Nonmarital Property. Other than previously identified, identify all other marital and nonmarital property which you claim has a value in excess of \$500.00, including but not limited to any assets held jointly with spouse jointly or jointly with others, including without limitation furs, jewelry, precious stones, precious metals, antiques or art work, tools, furniture, etc., as well as any options to acquire property or property held for your benefit by any firm, person or business entity, indicating the following: a description of the property; describe Your ownership interest and the ownership interest of any other; date and mode of acquisition; present fair market value of each item; and the amount of any encumbrance.

15. Nonmarital Property. If You claim a nonmarital interest within the meaning of Minn. Stat. § 518.003, subd. 3b, in any property, real or personal, or any income acquired before or during the marriage, state all facts and opinions upon which you will rely to support your nonmarital claims.

16. Property Appraisals and Opinions of Fair Market Value. State the name of every person whom You have contacted for an opinion as to the fair market value of any items of marital property or nonmarital property and state the opinion as to fair market value give to you by each person whom You contacted and, if no opinion was given, why it was not given.

17. Full Disclosure of Debts and Liabilities. List each and every liability or debt owed by You or Your Business, including: the name of the person or entity to whom the debt is owed; the purpose for incurring the debt; the date or period during which the debt was incurred; the principal balance of the debt; the maturity date thereof; the interest rate; and the payment schedule.

18. Gifts, Sales, Loans and Transfers. In the last three years, if any sales, assignments, loans, transfers or gifts of marital or nonmarital property (including cash) having a fair market value in excess of \$100.00 were made by you, set forth:

- a. A full description of the marital or nonmarital property sold, assigned, loaned or gifted;
- b. The date you sold, assigned, loaned or gifted the property;
- c. The name and address of the purchaser, assignee, lender, or beneficiary
- d. The price, if any, charged for the property;
- e. The terms of the transaction including, but not limited to, the specific terms of such sales, assignments, gifts, loans or transfers, including the date, reason, and the nature of the pay-off to you, if any;
- f. The location of that property;
- g. Complete details as to the disposition by you of the proceeds of any sale.

19. Expenses. List Your current monthly living expenses by each and every category and amount, including but not limited to shelter, mortgage payments, insurance, utilities, food, clothing, laundry and dry cleaning, transportation, medical and dental care, education, recreation and home maintenance. If You expect Your monthly expenses to change at any time in the next twelve (12) months, explain the expected changes. If any of these expenses are for the benefit or support of any person other than Yourself, including but not limited to any minor child, identify each person and itemize the expenses attributable to each such person.

20. Custody and Parenting Time. With regard to custody and parenting time:

- a. Set forth with particularity the custody and parenting time schedule which you believe to be in each minor child's best interests, including specific provisions for regular, holiday, and summer parenting time, daycare, education, religious training, medical care, social development, extracurricular activities, involvement in daily activities and housing circumstances.
- b. Set forth all facts upon which You will rely to establish the custody and parenting time schedule you believed to be in each minor child's best interests and the names, addresses and telephone numbers of all persons who have knowledge of the facts and opinions upon which You believe to support your custody and parenting time schedule as well as the facts and opinions upon which You will rely.

21. Witnesses. State the name, address and telephone number of every person You intend to call as a witness at the trial of this matter and state the subject matter on which each witness will be called to testify, the substance of the facts and opinions to which that witness is expected to testify, and the grounds for each opinion.

22. Expert Witnesses. As to any witness claimed to be an expert, identify each expert and separately state as to each expert his or her qualifications and expertise, the subject matter on which the witness will be called to testify, and the substance of the facts and opinions to which he or she is expected to testify, and the foundation for each opinion.

23. Your Position on Ultimate Issues. State in detail the request that You expect to make to the court for division of marital property and nonmarital property, spousal maintenance,

child support, child custody, parenting time, insurance coverage, attorney's fees, and any other issues to be determined in this proceeding.

DOCUMENTS TO BE PRODUCED

1. Documents Identified in Interrogatory Responses. All of the documents identified in or used to complete Your answers to these interrogatories and requests for admission.
2. Complete Tax Returns and Supporting Documents. Your and Your Business's full and complete federal and state income tax returns, including all schedules, supporting documents, W-2 statements, and anything else relied upon in creating or filing the tax returns for the last five tax years and the current year when complete.
3. Check Stubs and Recent Income Verification. Your check stubs or similar documentation verifying Your income from all employment or other sources of income for the last six months.
4. Other Income and Transaction Documents. Any other documents that reflect any income or other payments You have received in the past twelve months which have not been provided in response to any other document request, such as bonus and dividend check stubs; dividend or interest statements; income receipts or vouchers; deposit records; Venmo transaction information and details; Cryptocurrency records and details; PayPal, Zelle, Etsy, Cash App, StubHub, Airbnb, or similar or other digital wallet, money management, payment and/or transaction, records and applications with these and other third-party networks; and the like.
5. Financial and Retirement Records. All originals or legible copies of statements, account statements, checks and check registers for all checking, savings, money market, liquid asset account, credit union account, insurance account, brokerage firm account, retirement, and other depository or other similar accounts used by You or Your Business for the timeframe of January 1, 2021 through the present.
6. Business Documents. Provide all of the following documents related to each of Your Business:
 - a. All documents related to your purchase of Your Business.
 - b. Any independent valuation reports of Your Business completed during the past five years.
 - c. Any documents, correspondence or details related to any offers to purchase, sell or merger of Your Business that have been made during the past five years.
 - d. Any detailed fixed asset registers and depreciation schedules used in the preparation of the financial statements and tax returns for the past five years and a current list of any property, equipment, and other assets owned by Your Business.
 - e. Any life insurance policies owned by You or Your Business or insuring Your life and such documents as will show current cash surrender values of such policies and any encumbrances thereon.
 - f. Aged listing of accounts receivable and accounts payable for the most recent year end and the most current interim listing for Your Business.

- g. Copies of all promissory notes, security agreements, amortization schedules, mortgage deeds, guarantees, or other documents related to any unpaid debt or loans You owe in whole or in part, and for any unpaid loans related to Your Business.
7. Other Property. All documents, records, notes, and files, not already provided in response to any other request for production of documents, relating to any marital property or nonmarital property worth more than \$500.00 in which you have had any interests during the past three years.
8. Other Debt Documents. Copies of any and all documents in your possession or under Your control reflecting any debts owed by Your or Your Business jointly or individually, specifically including promissory notes, invoices, bills, account statements, and all other documents evidencing indebtedness.
9. Employment Benefit Documents. Any and all contracts or plans under which You are receiving benefits from an employer.
10. Financial Statements. Copies of any financial statements or net worth statements showing or purporting to show Your or Your Business's financial position at any time during the past five years including, or any other financial statements You have provided to third parties for credit or other purposes.
11. Trust and Testamentary Documents. Copies of any trust or testamentary instruments under which You are receiving or will potentially receive benefits and copies of any accountings due for any such trusts and copies of the federal estate tax returns filed for the past two years.
12. Appraisals. Copies of any and all appraisals done in the past five years for You or for Your benefit for any property or assets in which You or Your Business have or have had an interest.
13. Current Financial Position. Any and all other documents which reflect upon Your current financial position, or the current financial position of Your Business, and any and all documents in Your possession, custody or control which show Your debts or liabilities.
14. Nonmarital Property Claim and Tracing Documents. All documents which support any claim that You are asserting that You have a Nonmarital Property interest in any property within the meaning of Minn. Stat. § 518.003, subd. 3b, to include all documents to support tracing of Your Nonmarital Property claim.
15. Other Documents. Any other documents relative to any marital or nonmarital property, (including all financial accounts) or income You have had any interest in since January 1, 2022, unpaid debts or currently owed liabilities, including contingent liabilities described in your answers to the Interrogatories, which have not been provided in response to any other document request.

16. Child Support. Any and all documents evidencing payments from You to Your spouse since August 1, 2022, for any purpose, including but not limited to, child support, unreimbursed medical, or daycare expenses.

17. Expert Reports. Copies of all expert reports and any documents, records, notes, and files that serve as a basis for the expert's opinion.

18. Exhibits. Copies of all exhibits that You intend to introduce at the trial of this proceeding.

The undersigned hereby acknowledges that sanctions may be awarded pursuant to Minn. Stat. § 549.211.

Dated this 10th day of January, 2023.



Andrew M. Tatge #0349148
GISLASON & HUNTER LLP
Attorneys for Petitioner
111 South Second Street, Suite 500
Mankato, MN 56001
Phone: 507-387-1115
Fax: 507-387-4413
atatge@gislason.com

Filed in District Court
State of Minnesota
1/10/2023State of Minnesota
Blue Earth CountyDistrict Court
Fifth Judicial District

Court File Number: 07-FA-22-3533

Case Type: Dissolution with Child

Notice of Remote Zoom Hearing**FILE COPY**

In the Marriage of Candace Marie Hottinger and KENNETH ROBERT HOTTINGER

You are notified this matter is set for a remote hearing. This hearing will not be in person at the courthouse.

<i>Hearing Information</i>
February 24, 2023
Motion Hearing
3:00 PM

The hearing will be held via Zoom and appearance shall be by video unless otherwise directed with Judicial Officer Andrea J. Lieser, Blue Earth County District Court.

The Minnesota Judicial Branch uses strict security controls for all remote technology when conducting remote hearings.

You must:

- Notify the court if your address, email, or phone number changes.
- Be fully prepared for the remote hearing. If you have exhibits you want the court to see, you must give them to the court before the hearing. Visit <https://www.mncourts.gov/Remote-Hearings.aspx> for more information and options for joining remote hearings, including how to submit exhibits.
- Contact the court at 507-594-3055 if you do not have access to the internet, or are unable to connect by video.
- If you need an interpreter, contact the court before the hearing date to ask for one.

To join by internet:

1. Type <https://zoomgov.com/join> in your browser's address bar.
2. Enter the **Meeting ID and Meeting Passcode (if asked)**:
Meeting ID: 161 428 0893
Passcode: 987868
3. Update your name by clicking on your profile picture. If you are representing a party, add your role to your name, for example, John Smith, Attorney for Defendant.
4. Click the **Join Audio** icon in the lower left-hand corner of your screen.

5. Click Share Video.

Para obtener más información y conocer las opciones para participar en audiencias remotas, incluido cómo enviar pruebas, visite www.mncourts.gov/Remote-Hearings.

Booqo www.mncourts.gov/Remote-Hearings oo ka eego faahfaahin iyo siyaabaha aad uga qeybgeli karto dacwad-dhageysi ah fogaan-arag, iyo sida aad u soo gudbineyso wixii caddeymo ah.

To receive an eReminder for future court dates via e-mail or text, visit www.mncourts.gov/Hearing-eReminders.aspx or scan the QR code to enroll.



Dated: January 10, 2023

Therese Kadrlík
Blue Earth County Court Administrator
Justice Center, 401 Carver Road, PO Box 3366
Mankato MN 56002-3366
507-594-3055

STATE OF MINNESOTA)
) ss.
COUNTY OF BLUE EARTH)

**AFFIDAVIT OF SERVICE
BY MAIL**

Nicole Pinkston, being first duly sworn, deposes and says that on January 10, 2023, she served the attached Petitioner's Interrogatories, Requests for Admission, and Request for Production of Documents (First Set) upon:

Mr. Kenneth R. Hottinger
108 Warbler Path
Mankato, MN 56001

by depositing a true and correct copy thereof in an envelope directed and addressed to the above addresses, and arranging for the deposit of the same in the U.S. Mail in the City of Mankato, Minnesota, with postage prepaid thereon.



Nicole Pinkston

Subscribed and sworn to before
me on January 10, 2023.



