FILED
June 2, 2017
OFFICE OF
APPELLATE COURTS

STATE OF MINNESOTA

IN COURT OF APPEALS

In re the Marriage of:

Diana Lynn Berberich
f/k/a Diane Lynn Mattson, petitioner,

Respondent,

vs.

Mark Steven Mattson,

Appellant.

O R D E R

#A16-1535

Considered and decided by Jesson, Presiding Judge; Rodenberg, Judge, and Bratvold, Judge.

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. Pursuant to this court's order filed May 18, 2017, Minnesota attorney Benjamin Krause and Michigan attorney Carson Tucker request that Operation Firing for Effect (OFE) and Forgotten Warriors Project, Inc. (FWP), be allowed to participate in this appeal as amici curiae.

2. Minnesota attorney Krause also moves this court to admit Michigan attorney Tucker pro hac vice as counsel for OFE and FWP in this appeal.

3. Attorney Krause's motion to admit attorney Tucker pro hac vice, and the supporting affidavit of attorney Tucker, address the criteria for admission of counsel pro hac vice. *See* Minn. R. Civ. App. P. 143.05, subd. 1.

4. The purpose of an amicus brief is to inform the court of facts or matters of law that may have escaped its consideration, not to repeat or emphasize arguments already put forth by a party. 3 Eric J. Magnuson et al., *Minnesota Practice* § 129.3 at 715 (2015). It is the practice of this court "to freely grant amicus applications to ensure the development of a more complete appellate record," which may aid the Minnesota Supreme Court when deciding whether to grant further review. *See Breza v. City of Minnestrista*, 706 N.W.2d 512, 515 n.1 (Minn. App. 2005).

IT IS HEREBY ORDERED:

1. Attorney Carson Tucker is admitted pro hac vice and authorized to appear before this court in connection with this appeal.

2. The request of Operation Firing for Effect to be allowed to participate in this appeal as amicus curiae is granted.

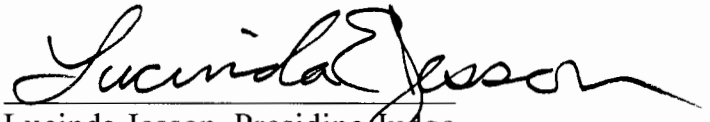
3. The request of Forgotten Warriors Project, Inc. to be allowed to participate in this appeal as amicus curiae is granted.

4. Pursuant to this court's order filed May 18, 2017, the brief(s) of amici shall be e-filed and served by June 23, 2017, and shall (a) not exceed ten pages; or (b) not exceed 3,500 words; or (c) use a monospaced font and contain no more than 325 lines of text.

5. Upon completion of briefing, a further order shall issue, rescheduling this appeal for a nonoral conference.

Dated: June 2, 2017

BY THE COURT



Lucinda Jesson, Presiding Judge