



STATUTE OF LIMITATIONS – MINNESOTA

CLAIM	NUMBER OF YEARS	MINN. STAT.
Negligence	6 years	541.05, subd. 1(5)
Contract	6 years	541.05, subd. 1(1)
Warranty for Sale of Goods	4 years	336.2-725(1)
Personal Property	6 years	541.05, subd. 1(4)
Libel, Slander, Assault, Battery, False Imprisonment or Other Tort Resulting in Personal Injury	2 years	541.07(1)
Strict Liability Action (Eg: Products)	4 years	541.05, subd. 2
Fraud	6 years	541.05, subd 1(6)
Judgment	10 years	541.04
Improvement to Real Property	2 years after discovery; no more than 10 years after substantial completion of construction	541.051, subd. 1(a)
Wrongful Death	3 years after death and an action must be commenced within 6 years after the act or omission. 4 years from date cause of action occurred if against health care provider	573.02, subd. 1

TORT THRESHOLD

An insured who receives basic economic benefits can sue to recover non-economic loss (pain and suffering) from a tortfeasor for negligent operation of a vehicle only if (1) the claimant's reasonable medical bills are over \$4,000.00 (excluding diagnostic work like x-rays, etc.), or (2) if the claimant has an injury resulting in permanent disfigurement, permanent injury, death or disability from engaging in normal activities for 60 days.

Minn. Stat. § 65B.51, subd. 3.

ACTIONS INVOLVING FAULT

Comparative Fault – Minn. Stat. § 604.01

Contributory fault does not bar recovery if it was not greater than the fault of the person against whom recovery is sought. In other words, a Plaintiff will recover as long as they are 50% or less responsible. Any damages allowed will be diminished in proportion to the amount of fault attributable to the Plaintiff.

Apportionment of Damages – Minn. Stat. § 604.02

When two or more persons are severally liable, contributions to awards are in proportion to the percentage of fault attributable to each, except that the following persons are jointly and severally liable for the whole award: (1) a person whose fault is greater than 50%; (2) two or more persons who act in common scheme or plan that result in injury; (3) a person who commits an intentional tort;

(4) a person whose liability arises under the following circumstances: 18B-pesticide control, 115-water pollution control, 115A-waste water management, 115B-environmental response and liability, 115C-leaking underground storage tanks, and 299J-pipeline safety, public nuisance law for damage to the environment or the public health, any other environmental or public health law, or any other environmental or public health ordinance or program of a municipality as defined in Minn. Stat. § 466.01.

OFFSETS

A defendant will receive offsets for the following benefits paid to Plaintiff, as long as no subrogation interest is asserted by the payor: payments made pursuant to federal, state or local income disability or workers compensation programs; health, accident and sickness insurance; automobile insurance (no-fault benefits).

Minn. Stat. §548.251.

NEGOTIATED DISCOUNT BY HEALTH INSURER

If a plaintiff is billed an amount by a medical provider but does not pay the full amount because the plaintiff's insurance provider negotiates a discount on the plaintiff's behalf, this is considered a collateral source. In other words, a plaintiff is not entitled to receive a "windfall" simply because his private health carrier negotiated a discount for his medical bills.

Swanson v. Brewster, 784 N.W.2d 264 (Minn. 2010).