

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

CIVIL COURT  
FOURTH JUDICIAL DISTRICT

Minnesota Gun Owners Caucus,  
Plaintiff,

Case No. 62-CV-25-1083

vs.

Tim Walz, Governor of Minnesota, in his  
official capacity, Keith Ellison, Attorney  
General of Minnesota, in his official  
capacity, Mary Moriarty, Hennepin  
County Attorney, in her official capacity,  
Drew Evans, Superintendent of the  
Minnesota Bureau of Criminal  
Apprehension, in his official capacity,  
Defendants.

**DEFENDANT MARY  
MORIARTY'S REPLY  
MEMORANDUM OF LAW  
IN SUPPORT OF  
MOTION TO DISMISS**

Plaintiff MGOC<sup>1</sup> does not identify why Defendant Moriarty is any more a proper party to this lawsuit than any of Minnesota's other eighty-six county attorneys. Notably, MGOC does not articulate how its claims of a procedural wrong perpetrated by the legislature are properly brought—and remedied via a judgment—against Defendants charged only with enforcement of this state's laws.

In its response, MGOC notes that it “has sought relief from [criminal prosecution] against the Governor, the Attorney General, [and] the Criminal Apprehension superintendent in charge of confiscating the prohibited devices.” (Pln. Mem., at 24.) MGOC cites *Cruz-Guzman v. State* for the proposition that failing to join other county attorneys in an action against—in part—Moriarty is somehow less than fatal to its claims

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<sup>1</sup> Terms not otherwise defined have the meanings attributed to them in Moriarty's initial memorandum of law in support of her motion to dismiss.

against her. 916 N.W.2d 1 (Minn. 2018). However, in *Cruz-Guzman*—in the line immediately preceding the excerpt MGOC relies upon—the court determined only that charter schools and school districts who might be affected by “actions potentially taken by the State in response to th[e] litigation” were not necessary parties. *Cruz-Guzman v. State*, 916 N.W.2d 1, 14 (Minn. 2018).

MGOC also relies on *Kohls v. Ellison* for the apparent proposition that because the Washington County Attorney was a proper defendant in a federal first-amendment and vagueness facial challenge pursuing a preliminary injunction, Moriarty should be one in MGOC’s action for declaratory relief and permanent injunction against enforcement on this claim of alleged legislative procedural malfeasance. No. 24-CV-3754 (LMP/DLM), 2025 WL 66765 (D. Minn. Jan. 10, 2025). But *Kohls*’ footnote does not support this proposition. *Kohls v. Ellison*, No. 24-CV-3754 (LMP/DLM), 2025 WL 66765, n. 2 (D. Minn. Jan. 10, 2025) (dismissing the argument that defendants were the wrong defendants where they were “connected to enforcement of the relevant law” for a facial challenge).

Turning to the substance of MGOC’s claims, although MGOC cites more than one-hundred and fifty years of Minnesota cases, in none of these cases did a court favor a single-subject or title challenge on such bare procedurally technical grounds as MGOC brings before the Court here. This is not a case, for example, where a restrictively-titled act contained multiple plainly-competing subjects<sup>2</sup>, nor is it one where an act’s substance was

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<sup>2</sup> *State v. Women's & Children's Hosp.*, 143 Minn. 137, 173 N.W. 402 (1919); *State ex rel. Holman v. Murray*, 41 Minn. 123, 127, 42 N.W. 858 (1889).

plainly contrary to its title,<sup>3</sup> nor one in which an act's provisions cloaked indirect, undeliberated, and sweeping changes to unrelated law only discoverable via sharp reading or cross reference.<sup>4</sup> As noted by the State Defendants, the 2024 Omnibus bill, as well as the binary trigger activator amendment, were the products of extensive and open discussion, deliberation, and consideration.

MGOC's base procedural challenge to the 2024 Omnibus Bill does not require Moriarty's spectatorship, and its relied-upon case law supports nothing resembling the challenge it brings here. Further, Moriarty's presence in this lawsuit is largely irrelevant to the Court's determination of whether the statute is unconstitutional: she will enforce the statute if it is constitutional, and simply will not if it—or some part thereof—is ruled unconstitutional. For these reasons, and as argued in the State Defendants' motion to dismiss, the Court should dismiss.

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<sup>3</sup> *Hamilton v. Minneapolis Desk-Mfg. Co.*, 78 Minn. 3, 5, 80 N.W. 693, 694 (1899); *State ex rel. Wagner v. Sullivan*, 73 Minn. 382, 76 N.W. 224 (1898); *State ex rel. Bazille v. Sullivan*, 73 Minn. 378, 76 N.W. 223 (1898); *Anderson v. Sullivan*, 72 Minn. 126, 75 N.W. 8 (1898); *Simard v. Sullivan*, 71 Minn. 517, 74 N.W. 280 (1898); *State v. Kinsella*, 14 Minn. 524 (1869).

<sup>4</sup> *Assoc. Builders & Contractors v. Ventura*, 610 N.W.2d 293 (Minn. 2000); *State ex rel. Finnegan v. Burt*, 29 N.W.2d 655 (Minn. 1947); *Egekvis Bakeries v. Benson*, 186 Minn. 520, 243 N.W. 853 (1932); *State v. Palmquist*, 217 N.W. 108 (Minn. 1927); *Watkins v. Bigelow*, 93 Minn. 210, 100 N.W. 1104 (1904); *State ex rel. Keith v. Chapel*, 63 Minn. 535, 65 N.W. 940 (1896); *State v. Porter*, 53 Minn. 279, 55 N.W. 134 (1893); *State ex rel. Rice v. Smith*, 35 Minn. 257, 28 N.W. 241 (1886); and *Mississippi & Rum River Boom Co. v. Prince*, 34 Minn. 79, 24 N.W. 361 (1885).

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Dated: May 6, 2025

By: /s/Matthew Messerli

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