

STATE OF MINNESOTA  
COUNTY OF HENNEPINCIVIL COURT  
FOURTH JUDICIAL DISTRICTMinnesota 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  
RESPONSE MEMORANDUM OF LAW  
IN OPPOSITION TO PLAINTIFF'S  
MOTION FOR SUMMARY JUDGMENT**

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**INTRODUCTION**

Plaintiff Minnesota Gun Owners Caucus (“MGOC”) has sued a variety of State Officials (the “State Defendants”)<sup>1</sup>, as well as Mary Moriarty, in her official capacity as Hennepin County Attorney (“Moriarty”). MGOC’s complaint—relating only to a two-line provision in the 2024 Omnibus Bill that clarified the definition of “trigger activator” to include so-called “binary triggers”—seeks to invalidate the entirety of a Legislative Omnibus Bill solely because of a claimed procedural error in the Bill’s enactment. MGOC now asks for summary judgment declaring that the 2024 Omnibus Bill is unconstitutional beyond a reasonable doubt and enjoining its enforcement by Defendants. The Court should deny the motion.

MCOG’s motion does not in any way distinguish between the State Defendants and the Defendant Moriarty. Instead, Plaintiff presents one unified set of arguments it summarily applies

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<sup>1</sup> The State Defendants are Governor Tim Walz, Attorney General Keith Ellison, and Drew Evans, the Superintendent of the Minnesota Bureau of Criminal Apprehension, all in their official capacities.

to its motion against all Defendants. Accordingly, the legal arguments advanced in the State Defendants' opposition to MGOC's motion, articulating the reasons why Plaintiff's Motion should be denied, are entirely applicable to Moriarty. Therefore, in the interests of judicial economy, Moriarty joins and adopts the arguments in the State Defendants' memorandum opposing MCOG's motion.

Defendant Moriarty wishes to emphasize a critical point in the State Defendants' memorandum: MGOC has not demonstrated its standing. MGOC's motion does not identify any presently or imminently realized organizational harm to itself sufficient for organizational standing or otherwise provide any evidence of direct harm to its members' interests more admissible than rank hearsay. At minimum, these jurisdictional deficiencies should warrant discovery, should the Court even reach MGOC's motion once it has ruled on the Defendants' pending Motions to Dismiss the Complaint as a matter of law. *U.S. Bank Nat. Ass'n v. Angeion Corp.*, 615 N.W.2d 425, 433–34 (Minn. App. 2000) (Summary judgment ruled premature where the moving party enjoyed disproportionate availability of, access to, and control over information not provided to a non-moving party.); *Hennepin Broad. Assocs. v. American Fed'n of Television & Radio Artists*, 301 Minn. 508, 511, 223 N.W.2d 391, 394 (1974); *Spencer v. Kroger Co.*, 941 F.2d 699, 704 (8th Cir.1991); Minn. R. Civ. P. 56.03(b), (d).

MARY F. MORIARTY  
Hennepin County Attorney

Dated: April 29, 2025

By: /s/Matthew Messerli

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