

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Minnesota Gun Owners Caucus,

Plaintiff,

v.

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.

Case No.: 62-CV-25-1083
The Honorable Leonardo Castro
Case Type: Civil/Other

ORDER

The above-entitled matter came on for a hearing before the Honorable Leonardo Castro, Judge of District Court, on May 13, 2025, at 1:30 p.m., upon Defendants' Motions to Dismiss and Plaintiff's Motion for Summary Judgment. Plaintiff was represented by Nicholas Nelson, Esq., and James Dickey, Esq. Defendant Mary Moriarty was represented by Matthew Messerli and Kelly Pierce, Assistant Hennepin County Attorneys. Defendants Tim Walz, Keith Ellison, and Drew Evans were represented by Anna Veit-Carter and Emily Anderson, Minnesota Assistant Attorneys General.

Based on the submission of the parties, the arguments of counsel, and all the files, records, and proceedings herein, the Court issues the following:

ORDER

1. Plaintiff has sufficiently established associational standing on behalf of its members, whose identities are known to the Court but will be kept under seal.
2. All other issues from Defendants' Motions to Dismiss and Plaintiff's Motion for Summary Judgment are reserved.
3. Defendants shall submit any supplemental briefing on the merits of Plaintiff's Motion for Summary Judgment within fourteen (14) days of the filing of this Order. Plaintiff shall have seven (7) days after that to submit a reply. The parties shall contact the Court's chambers to schedule a hearing.
4. The attached Memorandum is incorporated into this Order.

SO ORDERED.

Dated: June 4, 2025

Leonardo Castro
District Court Judge

MEMORANDUM

This lawsuit involves a challenge, brought under the Single Subject and Title Clause of the Minnesota Constitution, to an omnibus bill which was passed by the Minnesota Legislature on May 19, 2024. (*See* Compl. ¶¶ 1–3.)

Plaintiff, Minnesota Gun Owners Caucus, is an organization that “advocates on behalf of its members to defend and restore the right to keep and bear arms.” (*Id.* ¶ 16.) Plaintiff filed the Complaint on February 12, 2025. (*See id.* at Index No. 1.)

Defendants are Mary Moriarty, in her role as Hennepin County Attorney (“Defendant Moriarty”); as well as Tim Walz, as Governor of Minnesota; Keith Ellison, as Attorney General of Minnesota; and Drew Evans, as Superintendent of the Minnesota Bureau of Criminal Apprehension (collectively “the State Defendants”).

On March 5, 2025, Defendant Moriarty and the State Defendants filed Notices of Motions and Motions to Dismiss the Complaint. (Index Nos. 10, 11). On April 15, 2025, Plaintiff filed a Notice of Motion and Motion for Summary Judgment. (Index No. 21). In their response to that motion, the State Defendants asked this Court to “deny MGOC’s motion for summary judgment because MGOC has not supported its standing allegations with sufficient admissible evidence.” (State Defs.’ Resp. Mem. 1.)

The State Defendants argue that Plaintiff does not establish a direct injury to itself and relies on inadmissible hearsay to establish its members’ ability to sue in their own right. (*Id.* 7, 10.) The State Defendants assert that the affidavit submitted

by Bryan Strawser, Plaintiff's chairman, relates assertions from the anonymous members which are inadmissible hearsay and are therefore insufficient for establishing standing. (*Id.* 10–11.)

The State Defendants argue that federal case law requires an organization asserting associational standing on behalf of its members to “identify at least one” of their members by name, (*Id.* 10) and to “submit declarations from those named members establishing harm to them.” (*Id.* 11.) Plaintiff responded by arguing that “any hearsay included in Mr. Strawser’s affidavit with respect to MGOC’s members’ standing to sue in their own right meets the residual exception to hearsay[.]” (Pl.’s Reply 3.)

In their briefing, the State Defendants averred that Plaintiff “ha[d] not attempted to avail itself of any procedure to protect the confidentiality of its members while still providing the Court the information it needs to assure itself of jurisdiction.” (State Defs.’ Resp. Mem. 11.) Similarly, at oral argument, the State Defendants argued that “the idea that [Plaintiff’s members] can remain anonymous *to the court* is something that federal courts have universally rejected.” “Anonymous people who don’t come in front of the Court,” they asserted, “who don’t give their names to the Court, and who don’t identify themselves to the Court, do not have standing.”

After the hearing, the Court allowed Plaintiff to submit affidavits from Plaintiff’s members to establish associational standing, which the Court would file under seal. (Index No. 41.) The State Defendants asked for clarification that counsel for Defendants would be allowed to view the affidavits. On May 23, 2025, the Court

held a discovery conference regarding the question of disclosure of the affidavits to Defendants' counsel.

At that hearing, the State Defendants argued that the affidavits should be marked for Attorneys Eyes Only, acknowledging the members' concerns. Plaintiff requested that the affidavits remain under seal for the Court alone to view but offered to disclose them to Defendants' counsel with only the members' names and signatures redacted. The Court granted Plaintiff's request, affirming that the documents would remain under seal, and that Defendants' counsel could review the redacted versions. In addition, the Court asked that Plaintiff submit its membership list under seal for in camera review. (*See* Index No. 45.)

After the hearing on May 23, 2025, Plaintiff submitted affidavits from each of the anonymous members for in camera review, along with the association's membership list. Defendants' counsel is privy to all the information in those affidavits except for the members' names and signatures and the membership list.

ANALYSIS

The Court now issues this Order on the limited question of Plaintiff's standing, as Defendants have refused to fully argue the case on the merits before such a determination is made.

To establish associational standing, a plaintiff must show either "an injury to itself or injuries to its members." *State by Humphrey v. Philip Morris Inc.*, 551 N.W.2d 490, 497–98 (Minn. 1996). "The primary goal of the standing requirement is to ensure

that the factual and legal issues before the courts will be vigorously and adequately presented.” *Channel 10, Inc. v. Indep. Sch. Dist. No. 709, St. Louis Cnty.*, 215 N.W.2d 814, 821 (Minn. 1974).

“The requirement that a party seeking review must allege facts showing that he is himself adversely affected” serves “as at least a rough attempt to put the decision as to whether review will be sought in the hands of those who have a direct stake in the outcome.” *Sierra Club v. Morton*, 405 U.S. 727, 740 (1972). This requirement is not met where “organizations or individuals ... seek to do no more than vindicate their own value preferences through the judicial process.” *Id.*

“An association has standing to bring suit on behalf of its members when its members would otherwise have standing to sue in their own right, the interests at stake are germane to the organization’s purpose, and neither the claim asserted nor the relief requested requires the participation of the individual members in the lawsuit.” *Friends of the Earth, Inc. v. Laidlaw Env’t Services (TOC), Inc.*, 528 U.S. 167, 180–81 (2000) (citing *Hunt v. Wash. State Apple Advert. Comm’n*, 432 U.S. 333, 343 (1977)).

Defendants argued that Plaintiff has failed to establish—at least with admissible evidence—that its members have standing to sue in their own right. (State Defs.’ Resp. Mem. 12.) To satisfy that requirement in this context, those individuals must show that “injury is imminent” due to possible prosecution under an unconstitutional statute. *See Steffel v. Thompson*, 415 U.S. 452, 459 (1974) (“[I]t is not necessary that petitioner first expose himself to actual arrest or prosecution to be

entitled to challenge a statute that he claims deters the exercise of his constitutional rights.”).

Plaintiff’s members—understandably—wish to remain anonymous to Defendants and the public. Defendants in this case are the authorities tasked with prosecuting the Binary Trigger Amendment, which makes it a felony to possess the types of triggers the members are affirming they own. The concern lies not as much with identification to the public as it does with identification to Defendants themselves.

The balancing test federal courts have used to determine whether plaintiffs may proceed anonymously is instructive; using several factors to decide whether a plaintiff’s “interest in anonymity” is weighed against “both the public interest in disclosure and any prejudice to the defendant.” *Sealed Plaintiff v. Sealed Defendant*, 537 F.3d 185, 189 (2d Cir. 2020).

Here, Plaintiff’s members’ interests in anonymity outweighs the public interest in disclosure and any prejudice to Defendants. Their identification would open them up to potential retaliatory prosecution. Courts have allowed plaintiffs to proceed anonymously more often when “they had violated state laws” and were “challenging the constitutional . . . validity of government activity.” *See S. Methodist Univ. Ass’n of Women Law Students v. Wynne & Jaffe*, 599 F.2d 707, 713 (5th Cir. 1979).

Defendants prejudiced by allowing the members to proceed anonymously. Defendants have not voiced any “questions about the existence or bona fides of” the members or questioned “whether anonymity is being improperly exploited.” *See*

Speech First, Inc. v. Shrum, 92 F.4th 947 (10th Cir. 2024). This case involves a constitutional challenge about a law passed by the Minnesota Legislature in 2024; it does not require a robust factual record from the anonymous members. Defendants have asserted their need for extensive “jurisdictional discovery” before arguing the merits of Plaintiff’s Summary Judgment Motion, but this Court sees no valid reason for such extensive efforts.

Each of the three members submitted affidavits to the Court, identifying themselves and declaring under penalty of perjury, that they live in Minnesota (in Wright, Goodhue, and Hennepin counties, respectively), that they are members of the Minnesota Gun Owners Caucus, and that they possess binary triggers which were criminalized by the Binary Trigger Amendment passed in 2024. Their affidavits confirm the statements made in the Plaintiff’s Chairman’s affidavit. (*See Strawser Aff.*)

Federal courts have used the method of in camera submissions to assure themselves of anonymous members’ standing. *See FAIR v. Rumsfeld*, 291 F. Supp. 2d 269, 286 (D.N.J. 2003) (“To assist the Court in evaluating FAIR’s standing, Plaintiff’s submitted the FAIR membership list for in camera review.”). And the United States Supreme Court affirmed standing based on such submissions. *See Rumsfeld v. FAIR*, 547 U.S. 47, 52 n.2 (2006) (“The District Court concluded that each plaintiff had standing to bring this suit ... [W]e also agree that FAIR has standing.”).

Federal courts have asserted that in camera submissions could establish standing at the summary judgment stage. *See Speech First, Inc. v. Strum*, 92 F.4th

947, 950 n.1 (10th Cir. 2024) (“But the district court could later [after the pleading stage] verify the existence and status of the pseudonymous members through in camera review—a process that protects anonymity.”).

In *NAACP v. Trump*, the district court concluded that the anonymous affidavit submitted by an NAACP member was sufficient to establish the first prong of the standing test. *See NAACP v. Trump*, 298 F. Supp. 3d 209, 225 (D. D. C. 2018). The court noted that “the government does not seriously dispute—nor could it—that these affidavits are sufficient,” and that though “the government initially argued that the organizational plaintiffs had to name these members,” their “authority for that proposition is tenuous.” *See id.* at 225, n.10.

Here, the State Defendants noted that even if members submitted affidavits, they “intend to seek discovery from members A, B, and C (through document requests, interrogatories, and depositions), within any confidentiality parameters established by the Court.” (State Defs.’ Resp. Mem. 12). But such extensive discovery cannot stem from the State Defendants seriously disputing the sufficiency of the members’ affidavits. And even if the State Defendants genuinely believed they require depositions from the anonymous members to satisfy themselves that the members satisfy the—frankly, low—standing threshold, the Court does not share that view.

Defendants argued that Plaintiff’s members should not be allowed to proceed anonymously *to the Court*; their identifies are now known to the Court. Moreover, Defendants’ counsel has access to those affidavits, excluding only the member names

and signatures. Proceeding in this manner allows the Court to assure itself of Plaintiff's standing while still protecting the privacy interest of Plaintiff's members. It does not hinder the "factual and legal issues before" this Court—relating to an alleged violation of the Single Subject and Title Clause—from being "vigorously and adequately presented." *See Channel 10, Inc.*, 215 N.W.2d at 821.

Having reviewed the affidavits and membership list, the Court concludes that Plaintiff's members have standing to sue in their own right. There is no dispute that Plaintiff has satisfied the second and third components of associational standing. Therefore, Plaintiff has sufficiently established associational standing, and the Court will consider its motion for summary judgment on the merits.

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