
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
SUPPLEMENTAL MEMORANDUM¹
OF LAW IN OPPOSITION TO
PLAINTIFF’S MOTION FOR
SUMMARY JUDGMENT**

Plaintiff MGOC,² a self-styled gun-rights advocacy organization,³ has brought a legislative procedural integrity lawsuit seeking invalidation of the entire 2024 Omnibus Bill based on two lines⁴ clarifying the definition of “trigger activator.” Plaintiff’s lawsuit does not challenge the 2023 version of the same law,⁵ is procedurally improper,⁶ and is unsupported by Plaintiff’s own evidence.⁷

¹ Submitted consistent with the Court’s Order dated June 4, 2025. (Index No. 46.)

² Terms not otherwise defined have the meanings attributed to them in Moriarty’s initial memorandum of law in support of her motion to dismiss.

³ Compl., ¶ 16.

⁴ H.F. 5247, 4th Engrossment, 93d Leg., Reg. Sess. (Minn. 2024), at 582.9-582.10.

⁵ Prohibiting possession of devices allowing “a semiautomatic firearm to shoot more than one shot with a single pull of the trigger.” Minn. Stat. § 609.67, subd. 1(d)(2) (2023).

⁶ MGOC’s Affidavits, ordered *sua sponte* by the Court prior to a formal ruling on yet-pending motions to dismiss, never received argument on, a finding of good cause for, or protection of a protective order under Minn. R. Civ. P. 26.03.

⁷ Only Member C’s Affidavit is relevant to Defendant Moriarty, so only it is addressed here.

ARGUMENT

1. Plaintiff lacks associational standing against Defendant Moriarty based on Member C's affidavit.

Member C does not have a credible threat of prosecution for a crime of possession where they do not currently possess the item at issue. Member C's affidavit plainly alleges, in relevant part, that they have "placed" the devices at issue "in possession of another outside the State of Minnesota" and "would like to possess these devices in Minnesota again." (Member C Aff., ¶¶ 6-7.) Member C, and Plaintiff by association, cannot demonstrate a credible threat of prosecution where the challenged statute requires a finding of actual or constructive possession, neither of which are consistent with the actual possession of another outside of this State. *E.g., State v. Stone*, 982 N.W.2d 500, 510 (Minn. App. 2022), *aff'd*, 995 N.W.2d 617 (Minn. 2023). Defendant Moriarty simply cannot charge Member C under the challenged statute.

2. Even if Plaintiff had associational standing against Defendant Moriarty, its claims are not redressable.

Even if Member C's affidavit did support a credible threat of prosecution (it does not), the Complaint's failure to challenge the 2023 version of the same statute ensures any relief sought here will be incapable of redressing the claimed, speculative, threat of injury. If Member C can be prosecuted for possession of a trigger activator under Minn. Stat.

§ 609.67, subd. 1(d)(3) (2024),⁸ then they can be prosecuted for possession of a trigger activator under Minn. Stat. § 609.67 subd. 1(d)(2) (2023).⁹

More importantly, such prosecution is not at issue, challenged, or otherwise redressable by any relief sought this case.¹⁰ Plaintiff's lawsuit limits itself to a procedural challenge to two lines of the 2024 Omnibus Bill, and it seeks an injunction against only one of Minnesota's eighty-seven County Attorneys. As previously noted, Plaintiff's own affidavits claim to support membership in at least two other counties, who are not parties to this lawsuit. Plaintiff has wholly failed to demonstrate that its alleged harms would be redressed by the relief sought, and its claims therefore fail for this separate reason.

3. At a minimum, Moriarty should be permitted discovery on standing.

Even if Plaintiff had provided sufficient evidence of standing (Plaintiff has not), Moriarty has had no opportunity to conduct discovery on standing. She should be afforded such an opportunity prior to the Court's consideration of the merits of Plaintiff's summary judgment motion. *U.S. Bank Nat. Ass'n v. Angeion Corp.*, 615 N.W.2d 425, 433–34 (Minn. App. 2000) (reversing summary judgment as premature where, after minimal discovery, the non-moving party was denied discovery regarding information relevant to the motion).

⁸ Clarified as “a device that allows a firearm to shoot one shot on the pull of the trigger and a second shot on the release of the trigger without requiring a subsequent pull of the trigger.”

⁹ Defined, in relevant part, as “device that allows a semiautomatic firearm to shoot more than one shot with a single pull of the trigger.”

¹⁰ The legislature's desire for granular clarity should not create a loophole in—or the executive's care in enforcing—the State's more than half-century old concern regarding the regulation and prohibition of “firearm[s] . . . capable of discharging . . . more than once by a single function of the trigger.” H.F. 449, 63d Leg., Reg. Sess. 1228–29 (Minn. 1963).

CONCLUSION

In accordance with the foregoing, and for the reasons articulated in Defendants' motions to dismiss,¹¹ the Court should deny Plaintiff's motion for summary judgment and dismiss its claims against Defendant Moriarty.¹²

MARY F. MORIARTY
Hennepin County Attorney

Dated: June 18, 2025

By: /s/Matthew Messerli
Matthew L.R. Messerli (0403677)
Kelly K. Pierce (0340716)
Jamil M. F. Masroujeh (0400895)
Assistant County Attorneys
13A Government Center, MC137
300 South Sixth Street
Minneapolis, MN 55487
Telephone: (612) 348-0727
FAX No: (612) 348-8299

¹¹ Defendant Moriarty additionally joins State Defendants' arguments, consistent with all prior filings.

¹² Regardless, Defendant Moriarty is not a State Official against whom an award of fees may be entered under Minn. Stat. § 15.471, *et seq.*