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 DENYING MOTION TO STAY

The above-entitled matter came before the Honorable Leonardo Castro, Judge of District Court, on October 16, 2025, upon State Defendants' Motions to Stay the Order and Judgment Pending Appeal. Plaintiff was represented by Nicholas Nelson, Esq. Defendant Mary Moriarty was represented by Matthew Messerli, Assistant Hennepin County Attorney. Defendants Tim Walz, Keith Ellison, and Drew Evans (collectively, "the State Defendants") were represented by Anna Veit-Carter, Minnesota Assistant Attorney General.

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

ORDER

1. State Defendants' Motion to Stay this Court's Order, dated August 18, 2025, entering summary judgment in favor of Plaintiff, is **DENIED.**
2. The attached Memorandum is incorporated by reference.

SO ORDERED.

Dated: November 5, 2025

BY THE COURT:

Castro, Leonardo (Judge)
Nov 5, 2025 3:21 PM

Leonardo Castro
District Court Judge

MEMORANDUM

Background

The binary trigger amendment, contained in Article 36, § 2 of the 2024 Omnibus Bill, which was codified as Minn. Stat. § 609.67, subd. 1(d)(3), went into effect on January 1, 2025. This Court entered judgment enjoining and prohibiting Defendants from enforcing the binary trigger amendment on August 18, 2025. (Index No. 62–64).

On September 15, 2025, State Defendants filed their notice of appeal (Index No. 66–67), their petition to the Supreme Court for accelerated review, and their motion to stay (Index No. 68). The petition for accelerated review was denied. *Minn. Gun Owners Caucus v. Walz, et al.*, A25-1507 (Minn. October 29, 2025) (Index No. 80).

Legal Standard

The Court may stay its order and judgment pending appeal of that order. Minn. R. Civ. App. P. 108.02, subd. 1; *see* Minn. R. Civ. P. 62.03 ("When an appeal is taken, the appellant may obtain a stay only when authorized and in the manner provided in Rules 107 and 108, Rules of Civil Appellate Procedure."). A stay should be granted "where important questions of law are raised, which, if decided in favor of appellant or plaintiff in error, will require a reversal, to avoid a multiplicity of suits, or to protect the appellate court's jurisdiction." *Webster v. Hennepin Cnty.*, 891 N.W.2d 290, 291 (Minn. 2017) (citing *State v. N. Pac. Ry. Co.*, 22 N.W.2d 569 (Minn. 1946) (affirming stay pending appeal)). Denying a stay is proper when the trial court

"d[oes] not believe the case was a close case on the law." *Cooper v. USA Powerlifting*, Nos. A23-0373, A23-0621, 2023 WL 3668767, at *1–2 (Minn. Ct. App. May 23, 2023); *Stern 1011 First St. S. v. Kenneth*, 2019 WL 12661223, *2 (Minn. Dist. Ct. May 14, 2019) ("The likelihood of success on appeal is also a valid consideration" under *Webster*).

"[A] trial court has broad discretion in deciding which of the various factors are relevant in each case, and … need only analyze the relevant factors." *Id*. "[I]n the interest of completeness and to facilitate appellate review," the Minnesota Supreme Court has recommended, but not required, courts to conduct a "written analysis of each relevant factor." *Id*. at 293 n.2 (citing Minn. R. Civ. P. 52.01 and 65.04).

Unlikelihood of Success Disfavors Stay

State Defendants ask this Court to stay its Order declaring unconstitutional the binary trigger amendment, contained within the 2024 Omnibus Bill. It was only through judicial restraint, as guided and directed by our supreme court, that this Court did not declare the entire Omnibus Bill unconstitutional. State Defendants seem to disregard or fail to appreciate that the binary trigger amendment is a provision that was never validly enacted. To quote from Justice Page's dissent in *Associated Builders*, the State Defendants "evidently do[] not understand the distinction between a law that, while validly enacted, contains a provision that is unconstitutional and a law that is unconstitutional because it was never validly enacted." *Assoc. Builders & Contractors v. Ventura*, 610 N.W.2d 293, 309–10 (Minn. 2000) (Page, J., dissenting). To stay this Court's Order would be, in essence, to

validate a law that was unconstitutionally enacted, which this Court will not do.

State Defendants have conceded during oral arguments, and by failing to argue otherwise in written submissions, that the binary trigger amendment was enacted unconstitutionally. They nonetheless now seek its revival and enforcement pending appeal. Those two positions are contradictory.

The Minnesota Supreme Court has stated in clear and consistent terms that it fully intends to enforce the Single Subject Clause. In the Supreme Court's most recent Single Subject Clause decision, the justices wrote they "remain firmly committed to [their] constitutional duty to" enforce the clause. *Otto v. Wright Cnty.*, 910 N.W.2d 446, 459 (Minn. 2018) (citation modified). Indeed, the Court has "publicly warn[ed] the legislature that if it does hereafter enact legislation … which clearly violates Minn. Const. art. IV, § 17, [it] will not hesitate to strike it down regardless of the consequences." *Assoc. Builders & Contractors v. Ventura*, 610 N.W.2d 293, 301–02 (Minn. 2000). In doing so, the Court invoked a decades-long line of several precedents in which the Court and its members starkly warned the legislature that it will enforce the Single Subject Clause. *See generally id.*

State Defendants' secondary argument on appeal is that the Revisor of Statutes can foreclose Single Subject Clause violations and lawsuits simply by publishing a new version of the Revised Statutes; the so-called "Codification Rule." As this Court has already noted, there is no hint of support for that rule in the 165-plus year history of Minnesota's Single Subject Clause, and it would have foreclosed many previous Single Subject challenges that the Supreme Court has addressed on

the merits. Additionally, it is difficult for this Court to understand why the Revisor of Statutes would be given the power to convert an unconstitutionally enacted law into a constitutional law simply by publishing it.

State Defendants agreed that the Binary Trigger Amendment was not germane to the main subject of the 2024 Omnibus Bill. Their other arguments, both in the district court and now on appeal, propose that the courts adopt new legal standards for Single Subject and Title Clause challenges. But under the law as it currently stands, State Defendants acknowledged the Binary Trigger's non-germaneness and advocated for severance as the appropriate remedy for non-germane portions in Single Subject Clause challenges. This Court does not believe the case was a close case on the law.

Public Policy and Public Interest Disfavor Stay

Public policy favors the finality of judgments and reliance on court orders. *Nussbaumer v. Fetrow*, 556 N.W.2d 595 (Minn. Ct. App. 1996). Public interest favors not enforcing unconstitutional laws. *See LaCroix v. Town of Fort Myers Beach, Florida*, 38 F.4th 941, 955 (11th Cir. 2022) ("neither the government nor the public has any legitimate interest in enforcing an unconstitutional ordinance"); *K.A. ex rel. Ayers v. Pocono Mountain Sch. Dist.*, 710 F.3d 99, 114 (3d Cir. 2013) ("[T]he enforcement of an unconstitutional law vindicates no public interest.").

The State Defendants' concession that the enactment of the binary trigger amendment is invalid under the Constitution is sufficient to determine that a stay pending appeal would not be in the public interest. The State of Minnesota has no

legitimate interest in the enforcement of a law that everyone agrees was enacted unconstitutionally. Moreover, reinstating a criminal law that everyone agrees is unconstitutional serves no purpose. It would only produce additional challenges in civil and criminal cases and would be a waste of judicial resources. Allowing the state to hold, arrest and incarcerate people who possess binary triggers despite the lack of a valid statutory prohibition is poor public policy and contrary to the principles of due process.

Conclusion

The State Defendants have failed to show that the appellate arguments are likely to succeed or that the stay would be in the public interest. Therefore, the motion to stay the Order is denied.

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