

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Minnesota Gun Owners Caucus,

Case Type: Civil Other/Misc.

Plaintiff,

The Honorable Leonardo Castro
Court File 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,

**MEMORANDUM OF LAW
IN SUPPORT OF MOTION TO STAY
THE ORDER AND JUDGMENT
PENDING APPEAL**

Defendants.

Defendants Governor Tim Walz, Attorney General Keith Ellison, and Bureau of Criminal Apprehension Superintendent Drew Evans (“State Defendants”) move for a stay of the Court’s August 18, 2025 order and judgment (the “Order”) while the Order is under appeal and subject to a petition for accelerated review by the Minnesota Supreme Court. The Order addresses important questions of law and issues of justiciability that will be decided on appeal. The Order also has considerable impacts on the State of Minnesota – including the potential for significant public safety impacts. Those factors are legitimate concerns that Minnesota courts have consistently applied to stay district court orders pending appeal. *See, e.g., Webster v. Hennepin Cnty.*, 891 N.W.2d 290, 291 (Minn. 2017).

BACKGROUND

Amid an epidemic of gun violence in Minnesota, the Order voids the Binary Trigger Amendment – a criminal ban on the possession and use of binary triggers. The Minnesota Legislature passed the Binary Trigger Amendment as part of the 2024 Omnibus, and it went into

effect on January 1, 2025. In other words, the Order allows binary triggers, which would otherwise be banned, to be possessed and used in the State of Minnesota.

On September 15, 2025, State Defendants appealed the Order.¹ That same day, State Defendants petitioned the Minnesota Supreme Court for accelerated review.²

ARGUMENT

I. LEGAL STANDARD.

The Court may stay its order and judgment pending appeal of that order. Minn. R. Civ. App. P. 108.02, subd. 1; Minn. R. Civ. P. 62.03.³ 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*, 891 N.W.2d at 291 (citing *State v. N. Pac. Ry. Co.*, 22 N.W.2d 569 (Minn. 1946) (affirming stay pending appeal)). The United States Supreme Court has similarly stayed cases pending appeal where such cases raised significant questions related to “standing, judicial competence, and substantive constitutional law which go to the roots of the division of power in a constitutional democracy.” *See, e.g., Holtzman v. Schlesinger*, 414 U.S. 1304, 1314 (1973) (affirming stay); *see also United States v. Reserve Min. Co.*, 420 U.S. 1000 (1975).

II. THIS CASE PRESENTS IMPORTANT AND UNTESTED ISSUES OF JUSTICIABILITY.

A stay of a district court order is appropriate where the case raises novel or important questions of law. *Webster*, 891 N.W.2d at 291. This case presents two novel, important questions of law. Both issues go to the very justiciability of this matter, implicate the separation of powers,

¹ *Minnesota Gun Owners Caucus v. Walz, et al.*, A25-1507 (filed Sept. 15, 2025).

² Another single-subject challenge to the 2024 Omnibus is also on appeal. *UnitedHealth Grp., Inc., et al. v. State of Minnesota, et al.*, A25-1398 (filed Aug. 28, 2025).

³ State Defendants are governmental bodies seeking appeal, so no security is required for the stay. Minn. R. Civ. App. P. 108.02, subd. 2.

are issues of constitutional import, and will very likely be decided by the Minnesota Supreme Court, if not immediately, eventually. The resolution of those questions could lead to reversal of the Order. Accordingly, a stay of the Order is warranted while the appeal proceeds.

A. The Application of the Political Question Doctrine to Single-Subject Cases Is a Novel, Important Question of Law.

As the Court recognized, the application of the political question doctrine must ultimately be decided by another court on another day. State Defendants have now asked the Minnesota Supreme Court to resolve the issue now, on an accelerated basis, and for the first time in the modern era. That pending request weighs heavily in favor of staying the Order.

First, the Minnesota Constitution delegates responsibility for the single-subject clause to the legislature – not the courts. Minn. Const. art. IV, § 17. Respect for the separation of powers is a key inquiry of the political question doctrine. *In re McConaughy*, 119 N.W. 408, 417 (Minn. 1909); *Ninetieth Minn. State Senate v. Dayton*, 903 N.W.2d 609, 623-24 (Minn. 2017). The United States Supreme Court has also held that when cases involve thorny separation of powers questions, it is best to stay judicial interference in those questions to allow “the benefit of proper consultation.” *Holtzman*, 414 U.S. at 1314. The double separation of powers impacts of this case weighs firmly in favor of staying the Order until the Minnesota Supreme Court can weigh in on them.

Second, the political question issue goes to the very justiciability of this case. If applied, the political question doctrine would make single-subject cases nonjusticiable by the courts and mandate reversal of the Order. *See, e.g., Dayton*, 903 N.W.2d at 624-25 (noting that the application of the political question doctrine is one of justiciability). The justiciability question presented by the potential application of the political question doctrine weighs in favor of a stay. *Holtzman*, 414 U.S. at 1314.

Finally, the application of the political question doctrine to single-subject cases is a novel issue. While Minnesota courts have been deciding single-subject cases for years, State Defendants are not aware of any instance in which the Minnesota Supreme Court, in the modern era, has been asked to determine whether those cases present political questions. Indeed, this Court already recognized that the defense was an untested legal theory that would require a decision by the Supreme Court. (Index # 62, at 12) (citing *State v. Rodriguez*, 738 N.W.2d 422, 431 (Minn. Ct. App. 2007)).

The political question doctrine's application to the single-subject clause is a novel and important question of law. The answer to that question may well require reversal in this case. Accordingly, the Court should stay its Order pending State Defendants' appeal on that question.

B. The Codification Rule Also Presents an Important and Novel Question of Law Affecting the Scope of Single-Subject Challenges.

Likewise, State Defendants ask – to their knowledge, for the first time – the Minnesota Supreme Court adopt the codification rule in single-subject challenges. Like the political question doctrine, the codification rule goes to the justiciability of MGOC's single-subject challenge: whether it was timely brought. Like the political question doctrine, the codification rule is rooted in separation of powers principles. *State v. Mabry*, 460 N.W.2d 472, 475 (Iowa 1990). Like the application of the political question doctrine, the application of the codification rule in this State is a novel question. And like the political question doctrine, if the Minnesota Supreme Court adopts the codification rule, it would bar MGOC's challenge and mandate reversal of the Order. *Mabry*, 460 N.W.2d at 475; see Chapter 609 Versions, Minnesota Statutes, <https://www.revisor.mn.gov/statutes/cite/609/versions> (noting that the current version of chapter 609 was codified and published on November 1, 2024).

For the same reasons that the presence of the political question issue weighs in favor of a stay, so too does the potential application of the codification rule. The Court should stay its Order voiding the Binary Trigger Amendment while the Minnesota Supreme Court considers whether to apply a rule that would bar MGOC's challenge entirely.

III. THE ORDER AFFECTS IMPORTANT STATEWIDE INTERESTS.

The Order should also be stayed because of the statewide public safety interests at stake. Binary triggers are dangerous, and the legislature chose to ban them in Minnesota. The Order makes possession of these dangerous devices legal. To be sure, the Court has concluded that the legislature violated the single subject clause when it enacted the binary trigger ban, and the State Defendants understand that the Court simply applied the law when it severed the binary trigger ban based on that conclusion. But the equities strongly favor the State Defendants here because a state always suffers an irreparable injury when it is enjoined "from effectuating statutes enacted by representatives of its people." *Maryland v. King*, 567 U.S. 1301, 1303 (2012); *see also Worth v. Jacobson*, No. 21-cv-1348 (KMM/LIB), 2023 WL 3052730 at *3 (D. Minn. Apr. 24, 2023) (staying order pending appeal where the issues raised were novel and the order prevented a statute passed by elected officials from going into effect). That injury is especially pronounced here given the epidemic of gun violence afflicting Minnesota and the nation. By contrast, the harm to MGOC⁴ from staying the Order is minimized by State Defendants' expeditious appeal strategy: they are doing everything in their power to obtain final resolution of these questions as quickly as possible. Thus, the equities strongly favor a temporary stay of the Order while the appeal proceeds. *Webster*, 891 N.W.2d at 293. Indeed, it is not uncommon for courts to stay their orders invalidating

⁴ MGOC will likely point to the potential for its members' prosecutions as harm that would vest if the Order were stayed. But State Defendants are unaware of any binary trigger prosecution statewide since the ban went into effect.

legislation on single-subject grounds where those orders would have significant statewide impact.

See, e.g., Pennsylvania v. Neiman, 84 A.3d 53, 75 (Penn. 2013).

CONCLUSION

State Defendants are doing all they can to promptly obtain an answer from the Minnesota Supreme Court on their threshold, dispositive defenses in this case. The Court should stay its Order while State Defendants do so, due to the significant impacts of the Order on the State and the separation of powers questions this case raises.

Dated: September 15, 2025

Respectfully submitted,

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