

STATE OF MINNESOTA

COUNTY OF RAMSEY

Minnesota Gun Owners Caucus,

Plaintiff,

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.

Plaintiff Minnesota Gun Owners Caucus's (MGOC) overheated rhetoric distorts State Defendants' position on the issues in this case. There is nothing nefarious about State Defendants' defense of the binary trigger ban – a ban that was passed for important public safety reasons, and after robust hearing and debate. The issues presented in this case are important, they are untested, and the Minnesota Supreme Court is currently considering whether to immediately answer them. The Court should stay its Order and Judgment while that appellate process plays out.

ARGUMENT

On the law, State Defendants rest on their opening brief: the issues on appeal in this case (and in its companion case, *UnitedHealth Group, Inc. v. State of Minnesota*) are important and novel. *Webster v. Hennepin Cnty.*, 891 N.W.2d 290, 291 (Minn. 2017). Many of those issues can only be decided by the Minnesota Supreme Court; and State Defendants have asked the Supreme Court to decide them on an accelerated basis. And if the Supreme Court agrees with State

DISTRICT COURT

SECOND JUDICIAL DISTRICT

Case Type: Civil Other/Misc.

The Honorable Leonardo Castro
Court File No. 62-CV-25-1083

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

Defendants on any one of them, the Order and Judgment in this case would be reversed. *Id.* Those considerations warrant a stay of the Order and Judgment while the appeal plays out. *Id.*

Nothing in MGOC’s response changes that analysis.

First, MGOC distorts State Defendants’ position in this case and in their stay motion. While State Defendants did not argue that the binary trigger ban is germane to the 2024 Omnibus’s given subject (the operation and financing of state government), the State Defendants argued – and continue to argue – that the binary trigger ban’s inclusion in the 2024 Omnibus worked no fraud or surprise on either the Legislature or the public and was not a product of logrolling. Doc. 18 at 2-6; Doc. 30 at 2-4, 14-17. Accordingly, the binary trigger ban does not match the concerns underlying the single-subject clause. *See, e.g., Metro Sports Facilities Comm’n v. Cnty. of Hennepin*, 478 N.W.2d 487, 491 (Minn. 1997) (quoting *Wass v. Anderson*, 252 N.W.2d 131, 135-36 (Minn. 1977)); *State v. Gut*, 13 Minn. 341, 349-50 (1868); *Tuttle v. Strout*, 7 Minn. 465, 468-69 (1862); *Bd. of Supervisors of Ramsey Cnty. v. Heenan*, 2 Minn. 330, 339 (1858).

More fundamentally, MGOC repeatedly implies that the binary trigger ban is substantively “unconstitutional.” But MGOC never argued that the binary trigger ban’s substance runs afoul of any federal or state constitutional guarantees. Accordingly, State Defendants never conceded (and do not concede) that the binary trigger ban violates the Constitution in its substance. *E.g.*, Doc. 38 at 1. Rather, if there is any constitutional infirmity in the binary trigger ban, it is only in the way it was passed – a procedural issue, not a substantive one. The Court should disregard MGOC’s continued conflation of substance and procedure in its rhetoric.

Second, MGOC wants it both ways in its argument regarding the relative harms. MGOC complains that the only reason State Defendants could possibly seek a stay of the Order (or to defend the binary trigger ban generally) is to seek individual criminal prosecutions of binary

trigger possessors. But MGOC acknowledges that there has apparently never been a criminal prosecution under the binary trigger ban, as State Defendants initially noted.

There is a simple reason for that apparent contradiction: Laws (including criminal laws) serve more than one purpose. The binary trigger ban has important deterrent value, regardless of any individual criminal prosecutions. The State's interest also lies in removing binary triggers from retailers' shelves and deterring individuals from using them in the first place – not just in prosecuting individuals for violations after harm has occurred. Indeed, MGOC's members' affidavits show that effect: even absent actual prosecution, they removed the triggers from their guns and the State. Doc. 61 ¶¶ 5-6; Doc. 59 ¶ 6. And the Legislature had good public safety reasons to seek that deterrence. *See, e.g., Claudia Lauer, The Fargo shooter used a binary trigger. Here's what to know about the device that's worrying police, A.P.,* [https://apnews.com/article/binary-triggersfago-shooting-08391f506b264bc3de25ce7b4efd52b1](https://apnews.com/article/binary-triggersfargo-shooting-08391f506b264bc3de25ce7b4efd52b1) (last visited Sept. 15, 2025); *Minnesota House Passes legislation strengthening state's firearm straw purchases law and addressing gun violence, DFL Caucus, Minn. House,* <https://www.house.mn.gov/Caucus/View/DFL/39412> (last visited Oct. 10, 2025).

There is nothing nefarious about State Defendants attempting to maintain that legislative public safety priority pending appeal, especially as gun violence remains a major problem in Minnesota.¹

CONCLUSION

For these reasons, and the reasons set forth in their opening brief, State Defendants' motion to stay the Order and Judgment in this case pending appeal should be granted.

¹ To that end, State Defendants have no objection to the Court allowing a brief safe-harbor period prior to staying its Order and Judgment to allow individuals to dispose of or remove their binary triggers from the State. *See* Doc. 70 at 9.

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Respectfully submitted,

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