

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT
Case Type: Civil/Other

Minnesota Gun Owners Caucus;
Plaintiff,

Court File No. _____

v.

City of Saint Paul, Minnesota
Defendant.

**AFFIDAVIT OF MITCHELL BERG
IN SUPPORT OF PLAINTIFFS'
MOTION FOR EX PARTE
TEMPORARY RESTRAINING
ORDER AND TEMPORARY
INJUNCTION**

I, Mitchell P. Berg, declare under penalty of perjury under the laws of the State of Minnesota that the foregoing is true and correct:

1. I am over the age of 18 and competent to give this affidavit. The facts stated here are based on my personal knowledge.
2. I am a member of the Minnesota Gun Owners Caucus. I am a life member, and my membership remains current.
3. I reside in the City of Saint Paul, Minnesota, in Ward 4. For safety and privacy reasons, I do not include my full street address in this public filing, but I am willing to provide my full address to the Court in camera if requested.
4. Because I live in Saint Paul, I am in the City every day. I regularly travel throughout Saint Paul for work, errands, social activities, and church.
5. I hold a valid Minnesota Permit to Carry a Pistol issued under Minn. Stat. §

624.714. I have held a valid permit for many years.

6. In the ordinary course of my life, I lawfully carry a firearm for self-defense when I am in public, including when I travel into and within the City of Saint Paul.

7. Before the passage of Saint Paul Ordinance 25-65, I routinely carried a defensive handgun in Saint Paul and have carried essentially everywhere in the City that it is lawful to do so, including parks, streets, and businesses—excluding locations where firearms are lawfully prohibited.

8. I own one or more semiautomatic rifles and carbines and at least one semiautomatic pistol that appear to fall within, or could reasonably be interpreted to fall within, the Ordinance's definitions of "assault weapon." These firearms are lawfully owned and used for home defense, training, and other lawful purposes.

9. I also own several ammunition magazines that hold more than 20 rounds of ammunition. These include multiple detachable rifle magazines with capacities of approximately 30 rounds and at least one pistol magazine with a capacity greater than 20 rounds. These are standard, factory-supplied or commonly available magazines for my firearms.

10. I lawfully possessed and used these firearms and magazines before the passage of Saint Paul Ordinance 25-65, and I wish to continue to possess and use them in the future in accordance with Minnesota and federal law.

11. I have in the past carried my defensive firearm and its standard magazines in Saint Paul when going about my ordinary lawful activities, including commuting, shopping, attending church and social events, and visiting parks and other public places.

12. I intend in the future to continue carrying my defensive firearm and its standard magazines in Saint Paul when I go about my normal activities. I also intend to continue traveling through Saint Paul with my firearms and magazines when I visit family, shop, attend events, or travel to other destinations.

13. I have reviewed Saint Paul Ordinance 25-65 and the City's public descriptions of it. The Ordinance appears to criminalize possession of certain firearms, "large capacity magazines," and "ghost guns" in Saint Paul, including on city property.

14. I am concerned that my firearms and magazines fall within the Ordinance's broad definitions and that I could be arrested or prosecuted if I continue to possess or carry them in Saint Paul after the Ordinance is approved, published, or deemed effective by the City.

15. I have read Section 3 of the Ordinance, which states that it takes effect "thirty (30) days after its passage, approval, and publication," and also states that it "shall not take effect" unless the state firearm preemption statute is repealed or a "substantially similar" law is enacted at the state level.

16. This language is confusing to me. I do not know when the City believes the Ordinance will actually be enforced, how the 30-day period interacts with state preemption, or how the City will decide whether a future state law is “substantially similar” enough to trigger enforcement.

17. I am also concerned that Saint Paul police officers or prosecutors may misunderstand or inconsistently apply the Ordinance, including by treating it as enforceable as soon as it is signed and published, or by later deciding that some new state legislation is “substantially similar” to the Ordinance and beginning enforcement against people like me.

18. Because of this uncertainty and the risk of criminal penalties, I am already changing my behavior in response to the Ordinance. In particular:

- a. I am refraining from carrying certain firearms and accessories that could be implicated by the Ordinance when I travel into Saint Paul, even though I am otherwise lawfully allowed to carry them under state law.
- b. I am considering avoiding certain destinations or routes that require me to travel through Saint Paul while armed, in order to reduce the risk of encountering law enforcement in the City while in possession of my ordinary defensive firearms and magazines.
- c. I am concerned about entering Saint Paul parks, libraries, and other city property while possessing my lawful firearm and magazines, and I am

adjusting my activities to avoid creating situations where the Ordinance could be invoked against me.

19. I do not want to surrender my usual means of self-defense, nor do I want to avoid Saint Paul entirely. I am changing and restricting my conduct only because of the Ordinance and the risk that it will be enforced against me.

20. If the Ordinance is allowed to be published, I will face an ongoing choice between exercising my rights as I have lawfully done under state law and risking arrest and criminal prosecution under the Ordinance, or giving up that exercise of my rights to avoid criminal exposure.

21. The prospect of arrest, criminal prosecution, and potential seizure of my firearms and magazines is very serious to me. Those harms cannot be undone by money damages. The chill on my ability to lawfully possess and carry my firearms and magazines for self-defense and other lawful purposes also cannot be adequately compensated with money.

22. I understand that the Minnesota Gun Owners Caucus has initiated this lawsuit to challenge the legality of the Ordinance and to seek a court order preventing the City from enacting, implementing, or enforcing it. I support that effort and submit this affidavit to explain how the Ordinance affects and harms me personally.

23. I have no criminal history of any kind beyond a minor traffic matter for expired vehicle tabs many years ago. I have never made threats against myself or

others and I am not involved in any litigation other than this case.

24. I am willing to provide more detailed information about my firearms and magazines to the Court in camera if the Court requests it, but I am reluctant to publicly file a detailed inventory of my firearms for safety and privacy reasons.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Dated: 11/20/2025

 Mitchell Berg (Nov 20, 2025 12:24:56 CST)

Executed in Ramsey County, MN

Mitchell Berg

MINNESOTA
JUDICIAL
BRANCH