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.STATE OF MINNESOTA **DISTRICT COURT**

COUNTY OF HENNEPIN **FOURTH JUDCIAL DISTRICT**

Case Type Civil/Other

Minnesota Gun Owners Caucus

Court File No. 62-CV-25-9927

Plaintiff,

Judge Leonardo Castro

v.

City of Saint Paul, Minnesota,

DEFENDANT'S MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Defendant.

INTRODUCTION

The present matter arises out of Plaintiff's attempted challenge of the recently passed Saint Paul City Ordinance 25-65 ("Ordinance"), which the Saint Paul City Council passed in response to ongoing and escalating concerns related to gun violence within the State of Minnesota. The Ordinance seeks to establish a set of new regulations governing certain categories of firearms and firearm modifications within the City. The Ordinance is expressly contingent on a repeal or amendment of current state law that otherwise restrict municipalities' ability to regulate firearms and does not take effect unless and until future action is taken by the State of Minnesota to empower the Ordinance through repeal or amendment of state law. Plaintiff's present challenge of the Ordinance is predicated on alleged claims under Minn. Stat. § 471.633, Minn. Stat. § 624.714, and Article I, Section 7 of the Minnesota State Constitution.

Plaintiff now seeks a temporary restraining order and preliminary injunction to enjoin the codification and publication of the Ordinance. However, for the reasons stated below, Plaintiff's motion for preliminary injunction must be denied. First and foremost, preliminary injunction must be denied because Plaintiff is unlikely to succeed on the merits. Further, the relative balance of

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harms strongly supports denial of an injunction. Those two factors alone are sufficient to deny Plaintiff's requested injunction, and the remaining *Dahlberg* factors only reinforce the need to deny preliminary injunction in this case.

FACTUAL BACKGROUND

On November 12, 2025, in order to address growing concerns related to gun violence across the State and within the City of Saint Paul, Saint Paul Ordinance 25-65 was passed by unanimous vote of the Saint Paul City Council. (Saint Paul Legistar, available at https://stpaul.legistar.com/LegislationDetail.aspx?ID=7704634&GUID=E547DB51-3073-4B0F-AA1B-BE5B30E6951E&FullText=1 (last accessed Dec. 11, 2025).) The Ordinance was subsequently signed by the Saint Paul City Mayor on November 19, 2025. (*Id.*) The Ordinance creates a new Chapter 225A of the City's Legislative Code titled "Firearms Regulations to establish regulations for Assault weapons, Binary triggers, Ghost guns, and Signage." (City of Saint Paul – File #: Ord 25-65.) Under the Ordinance, certain classifications of firearms and firearm modifications are prohibited within the City. (*Id.*) Additionally, the Ordinance provides for a general prohibition on firearms within certain, specified "sensitive places." (*Id.*) "Sensitive places" are defined within the Ordinance as "any City-owned, -leased, or -controlled building or property that is open to the public for governmental, educational, recreational, cultural, or civic purposes, including but not limited to City Hall and City offices, libraries, recreation centers, indoor and outdoor park spaces and park buildings, playgrounds, athletic facilities, arenas, and zoos." (*Id.* at Section 225A.01.) The Ordinance also provides an express contingency provision that establishes that the new Chapter 225A and "its constituent Ordinances are contingent and shall not take effect, nor be enforced, unless and until" the repeal of Minn. Stat. § 471.633 or passage of "any Minnesota law that is substantially the same as any part of this ordinance or otherwise affirmatively authorizes municipalities to enact and enforce substantially similar regulations." (*Id.*

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at Section 225A.02.) The Ordinance also expressly states that it is "designed to take effect only upon the repeal, amendment, or judicial invalidation of state preemption laws that currently prohibit local regulation of firearms." (*Id.* at Section 1.)

Shortly after the City Council's final vote, Plaintiff served the present Complaint on November 12, 2025. (AOS, Index #3.) Plaintiff seeks declaratory and injunctive relief to invalidate the Ordinance based on its alleged violation state law. (Compl. ¶ 1.) Specifically, Plaintiff alleges that the Ordinance is preempted under Minn. Stat. § 471.633 and violates a purported right ot carry a firearm in public conferred under the Minnesota Citizens' Personal Protection Act ("MCPPA), Minn. Stat. § 624.714. (*Id*. ¶¶ 17–28.) Plaintiff further alleges that the Ordinance is unconstitutionally vague as to its date of effectiveness and therefore violates the Due Process Clause of the Minnesota State Constitution. (*Id.* ¶¶ 43–49.) Based on these allegations, Plaintiff contends that its individual members are harmed by the resulting legal uncertainty and due to the alleged general harm of the City passing an unlawful ordinance. (*Id.* ¶¶ 35–42.) Plaintiff does not allege nor submit any evidence of any explicit enforcement threats made by the City or its officers in relation to the Ordinance.

Plaintiff filed the present motion for temporary restraining order and preliminary injunction on November 21, 2025. (Index # 11.) On November 26, 2025, the Court issued an order setting Defendant's deadline to respond to Plaintiff's motion on December 11, 2025, and Plaintiff's deadline to submit a reply on December 15, 2025. (Index # 18.)

ARGUMENT

Plaintiff must make a *very* compelling showing for a temporary restraining order ("TRO") against the City, because it "is an extraordinary equitable remedy." *Miller v. Foley*, 317 N.W.2d 710, 712 (Minn. 1982). The Minnesota Supreme Court has held that a court should issue temporary injunctions "only in clear cases [that are] reasonably free from doubt, and when necessary to

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prevent great and irreparable injury." *AMF Pinspotters, Inc. v. Harkins Bowling, Inc.*, 110 N.W.2d 348, 351 (Minn. 1961) (emphasis added). This means if "there is a close factual dispute which could go either way at a trial on the merits, a court should be reluctant to issue a preliminary injunction." *Upper Midwest Sales co. v. Ecolab, Inc.*, 577 N.W.2d 236, 241 (Minn. Ct. App. 1998), *citing Pacific Equip. & Irrigation, Inc. v. Toro Co.*, 519 N.W.2d 911, 918 (Minn. Ct. App. 1994); *see also Allstate Sales & Leasing Co., Inc. v. Geis*, 412 N.W.2d 30, 33 (Minn. Ct. App. 1987) ("Temporary injunctions should only be issued in clear cases, and with great caution and restraint."). As the moving party, Plaintiff has the burden of proving that it should receive this extraordinary relief. *AMF Pinspotters*, 110 N.W.2d at 351.

When considering a motion for temporary injunctive relief, Minnesota courts must consider these five factors:

1. The relative harm to the parties if the injunction is granted or denied;
2. The likelihood that the party seeking the injunction will be successful on the merits;
3. The relationship of the parties before the dispute;
4. The public interest; and
5. The administrative burdens involved in supervising and enforcing the order.

Dahlberg, Inc. v. Ford Motor Co., 137 N.W.2d 314, 321–22 (Minn. 1965). The Court must consider *each* of the *Dahlberg* factors. *State By Ulland v. Int'l Ass'n of Entrepreneurs of Am.*, 527 N.W.2d 133 (Minn. Ct. App. 1995). However, failure to make a showing as to the likelihood of success on the merits or the existence of an irreparable harm are sufficient grounds on their own to deny a motion for a temporary injunction. *See Sanborn Mfg. Co. v. Currie*, 500 N.W.2d 161, 164 (Minn. Ct. App. 1993) (explaining failure to show likelihood of success on the merits is proper ground for denial of a temporary injunction; *Morse v. City of Waterville*, 458 N.W.2d 728, 729 (Minn. Ct. App. 1990) (explaining failure to show irreparable harm is sufficient grounds to deny

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a temporary injunction). As such, it is appropriate for the Court to consider those factors first as both factors are dispositive to the present motion and support denial of a temporary injunction.

In this case, the *Dahlberg* factors strongly support denial of the preliminary injunction.

I. Plaintiff is unlikely to succeed on the merits.

The likelihood that one party will succeed on the merits is the most important factor in the *Dahlberg* analysis. *Softchoice, Inc. v. Schmidt*, 763 N.W.2d 660, 666 (Minn. Ct. App. 2009). If a plaintiff fails to show any likelihood of winning the case on the merits, district courts may not grant an injunction. *Currie*, 500 N.W.2d at 164.

a. *None of Plaintiff's claims state an independent cause of action.*

Plaintiff alleges four causes of action: (1) violation of Minn. Stat. § 471.633 (Compl. ¶¶ 56–65; (2) violation of Minn. Stat. § 624.714 (Compl. ¶¶ 66–72); (3) violation of the Minnesota Constitution, Article I, Section 7 (Compl. ¶¶ 73–87); and (4) injunctive relief. However, none of the stated claims support an independent cause of action and therefore have no likelihood of success on the success on the merits. As such, Plaintiff's motion for temporary injunction should be denied.

i. *The statutes Plaintiff relies upon do not give rise to a private cause of action.*

Plaintiff has brought this action as a declaratory judgment and injunctive action seeking a declaration invalidating the City's newly passed Ordinance 25-65. Plaintiff specifically claims that the City's ordinance violates Minn. Stat. § 471.633 and Minn. Stat. § 624.714, and seeks a corresponding declaratory judgment based on those statutes. However, neither statute creates a private right of action and, accordingly, Plaintiff cannot prevail on the merits on either of its statutory claims.

"A complaint requesting declaratory relief must present a substantive cause of action that would be cognizable in a non-declaratory suit." *Weavewood, Inc. v. S. & P Home Investment, LLC*,

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821 N.W.2d 576, 579 (Minn. 2012); *see also Hoeft v. Hennepin Cnty.*, 754 N.W.2d 717, 722 (Minn. Ct. App. 2008) (noting that MUDJA "cannot create a cause of action that does not otherwise exist"). "A party seeking a declaratory judgment must have an independent, underlying cause of action based on a common-law or statutory right." *Alliance for Metro. Stability v. Metro. Council*, 671 N.W.2d 905, 916 (Minn. Ct. App. 2003). Under Minnesota's Uniform Declaratory Judgments Act ("MUDJA"), courts may only grant declaratory judgment where an actual justiciable controversy exists." *Weavewood*, 821 N.W.2d at 579. The Minnesota Supreme Court has stated that an actual controversy arises where a claim: "(1) involves definite and concrete assertions of right that emanate from a legal source, (2) involves a genuine conflict in tangible interests between parties with adverse interests, and (3) is capable of specific resolution by judgment rather than presenting hypothetical facts that would form an advisory opinion." *McCaughtry v. City of Red Wing*, 808 N.W.2d 331, 336 (Minn. 2011).

Under Minnesota law, a statute does not provide the basis for "a civil cause of action unless the language of the statute is explicit or it can be determined by clear implication." *Halva v. Minnesota State Colls. & Univs.*, 953 N.W.2d 496, 504 (Minn. 2021). To determine whether a statute implies a private cause of action, courts consider: "(1) whether the [Plaintiff] belong to a special class of persons for whose benefit the statute was enacted, (2) whether the legislature indicated an intent to create or deny a private remedy, and (3) whether inferring a private remedy would be consistent with the underlying purpose of the legislation." *All for Metro. Stability v. Metro. Council*, 671 N.W.2d 905, 915 (Minn. Ct. App. 2003). Courts are "reluctant to recognize causes of action when the language of the statute does not expressly provide one." *Halva*, 953 N.W.2d 496, 504 (internal quotations omitted).

As to the two specific statutes at issue here, sections 471.633 and 624.714, the Minnesota federal district court's decision in *Christopher v. Ramsey County*, 621 F. Supp. 3d 972 (D. Minn.

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2022), is directly applicable and instructive on this issue.[1] In *Christopher*, Plaintiff Minnesota Gun Owners Caucus, alongside two individual named plaintiffs, challenged a rule promulgated by the State Agricultural Society that prohibited fairgoers from carrying firearms on the State Fairgrounds during the State Fair. 621 F. Supp. 3d at 976. The plaintiffs alleged several different claims, including a request for declaratory judgement seeking to declare the disputed rule to be preempted by Minnesota Statutes Sections 471.633 and 624.714. *Id.*at 978. Addressing the plaintiffs' declaratory judgment claims, the court held that neither statute created a private right of action and therefore the plaintiffs "failed to alleged a substantive cause of action sufficient to support Declaratory Judgment under Minnesota law." *Id.*at 979. Plaintiff's present declaratory judgment claims are identical to and rely upon the same statutory theories addressed and dismissed by the court in *Christopher*. Just as in *Christopher*, Plaintiff's present claims under the subject statutes cannot sustain a declaratory judgment because the statutes do not provide for a private cause of action.

Specific analysis of each statute further reinforces this outcome and supports dismissal of both statutory claims based on failure to state a claim.

First, section 471.633 does not imply a private cause of action. The statute does not contain *any* language that hints at a private cause of action. *Cf. Hamline-Midway Neighborhood Stability Coal. v. Saint Paul City Council*, No. C6-94-2135, 1995 WL 238931, at *1 (Minn. Ct. App. Apr. 25, 1995), *rev. denied* (Minn. June 23, 1995) (vacating judgment on claim under Minn. Stat. §§ 471.633–635 because "there [was] no statutory authority" for claim to be heard by district court). Plaintiff, and its members, are not part of a special class of persons for whose benefit the statute

[1] While a federal court's interpretation of Minnesota law is not binding on this court, it may still have persuasive value. *TCI Business Capital, Inc. v. Five Star Am. Die Casting, LLC*, 890 N.W.2d 423, 431 (Minn. Ct. App. 2017); *see also Blehr v. Anderson*, 955 N.W.2d 613, 620 (Minn. Ct. App. 2021) (applying federal court's interpretation of state statute to determine meaning of undefined statutory term).

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was enacted. Section 471.633 speaks exclusively in terms of what local governmental agencies may or may not do. It makes no reference at all to any individual's right to possess firearms. This demonstrates a lack of legislative intent to create a private cause of action under the statute. *See El Paso Nat. Gas Co. v. United States*, 750 F.3d 863, 871 (D.C. Cir. 2014) (no private right of action implied when statute "creates agency obligations, but it does not focus on the rights of protected parties"). Plaintiff does not have a private cause of action under Minn. Stat. § 471.633.

Second, there is no implied private right of action under the MCPPA.[2] The Minnesota Supreme Court's decision in *Halva v. Minnesota State Colleges & Universities* is instructive on this issue. There, the Court held that the Official Records Act does not imply a private right of action for three main reasons. First, there were other remedies within the Official Records Act but not a private cause of action. *Halva*, 953 N.W.2d at 504–05. Second, the plain text of the statute did not allow for an inference that the statute creates a private causer of action and the Court had "customarily concluded that statutory silence on the topic of a private remedy does not make a statute ambiguous." *Id*. Third, other sections of the same statute created criminal and civil causes of action, showing that the Legislature considered remedies but chose not to create a civil cause of action for the Official Records Act. *Id. Halva*'s reasoning applies here.

As in *Halva*, there are remedies expressly provided by the MCPPA, but not a private cause of action of the type asserted here. The MCPPA criminalizes possession of a pistol without first obtaining a permit and various other related offenses, such as refusing to display a permit upon a lawful demand by a peace officer and making false representations on an application for a permit.

[2] One unpublished Minnesota appellate decision assumed, without analysis, that the MCPPA provided a private cause of action. In *Minnesota Police and Peace Officers Association v. National Football League*, the Minnesota Court of Appeals determined that the NFL's policy of prohibiting off-duty peace officers from carrying firearms in its stadiums did not implicate the MCPPA. *Minn. Police & Peace Officers Ass'n*, No. A15-0317, 2015 WL 4877998 (Minn. Ct. App. Aug. 17, 2015). No party in that case raised whether a private cause of action exists under the MCPPA and the case pre-dates *Halva*.

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See Minn. Stat. §§ 624.714, subds. 1a, 1b, 7a, 8, 10, 17, 24. It also provides for judicial review of the denial or revocation of a permit. Minn. Stat. § 624.714, subd. 12. There is no indication in the text of the statute that the Legislature intended to create a private cause of action for a permitholder to enforce a claimed right to carry firearms in a public place. Moreover, the MCPPA is a criminal statute. This fact weights against implying a private cause of action. *See AT&T Co. v. M/V/ Cape Fear*, 967 F.2d 864, 867 (3d Cir. 1992) (Statute that is "primarily criminal in nature" does not imply a private cause of action under federal law).

Because there is no substantive cause of action underlying Plaintiff's declaratory judgment claims based on sections 471.633 and 624.714, Plaintiff has no likelihood of success on those claims and preliminary injunction must therefore be denied.

ii. *There is no private cause of action for violations of the Minnesota Constitution..*

Plaintiff's third claim for declaratory relief is based on the Minnesota State Constitution, alleging that the subject Ordinance violates the Minnesota Constitution's Due Process Clause, Minn. Const. art. I, § 7. (Compl. ¶¶ 73–87.) However, similar to Plaintiff's statutory claims, this claim too is unlikely to succeed on the merits because there is no private cause of action for alleged violations of the Minnesota State Constitution. *See Davis v. Hennepin Cnty.*, No. A11-1083, 2012 WL 896409, at *2 (Minn. Ct. App. Mar. 19, 2012) ("Regardless of the provision or allegation that appellant relies on to support his Minnesota constitutional claims, Minnesota does not allow private actions based on alleged violations of the Minnesota Constitution."); *Eggenberger v. West Albany Tp.*, 820 F.3d 938, 941 (8th Cir. 2016) ("There is no private cause of action for violations of the Minnesota Constitution."); *Hummel v. Minn. Dep't of Ag*, 430 F. Supp. 3d 581, 594 (D. Minn. 2020) (finding "no private cause of action for violations of the Minnesota Constitution" and dismissing plaintiff's due process claims based on alleged violation of Art. I, Sec. 7 of Minnesota Constitution). Absent any underlying substantive cause of action, Plaintiff's declaratory judgment

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claim under the Minnesota Constitution fails in the same manner as its statutory claims and the preliminary injunction must be denied accordingly.

The Complaint's reference to Article I, Section 8 of the Minnesota Constitution, colloquially referred to as the "Remedies Clause", does not change this outcome. "Article I, Section 8 of the Minnesota Constitution only assures remedies for rights that vested at common law." *Hickman v. Grp. Health Plan, Inc.*, 396 N.W.2d 10, 14 (Minn. 1986). "But article I, section 8, of the Minnesota Constitution is not a separate and independent source of legal rights on which to base a declaratory judgment action. The Remedies Clause protects and preserves rights and remedies recognized under the common law." *Hoeft*, 754 N.W.2d at 726. "Thus, the Minnesota Supreme Court has stated that 'the Remedies Clause does not guarantee redress for every wrong but instead enjoins the legislature from eliminating those remedies that have *vested at common law* without a legitimate legislative purpose.' " *Id.* (quoting *Olson v. Ford Motor Co.*, 558 N.W.2d 491, 497 (Minn. 1997)). Plaintiff has offered no argument or evidence for any vested common law right at issue in this case.

Accordingly, Plaintiff's constitutional claim fails on its face and cannot sustain the present motion for preliminary injunction.

iii. *Injunctive relief is not a separate cause of action.*

Plaintiff's final claim for injunctive relief also fails to establish a substantive cause of action. "Injunctive relief is a remedy and not, in itself, a cause of action, and a cause of action must exist before injunctive relief may be granted." *Ryan v. Hennepin Cnty.*, 224 Minn. 444, 29 N.W.2d 385, 387 (1947); *see also Jama v. Mayo Clinic, et. al.*, No. A16-1445, 2017 WL 1842840, at *4 (Minn. Ct. App. May 8, 2017) ("Declaratory relief and injunctive relief are remedies, not causes of action, and a cause of action must exist before injunctive relief."). As such, because Plaintiff's other claims fail to establish any substantive cause of action to support a request for injunctive

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relief, (*see supra* Sections I.a.i and I.a.ii), Plaintiff's fourth count fails to state an actionable claim and is not likely to succeed.

Because none of the claims asserted in the Complaint support a viable cause of action, Plaintiff is wholly unlikely to succeed on the merits of its claims and on that basis alone preliminary injunction must be denied.

b. *Plaintiff fails to state an actionable claim under the ripeness doctrine.*

Plaintiff's claims are unlikely to succeed on the merits because Plaintiff has failed to establish that its claims are ripe for the court's review under the ripeness doctrine.

To establish a justiciable controversy in a declaratory judgment action challenging the constitutionality of a law, a plaintiff "must show a direct and imminent injury" stemming from the allegedly unconstitutional provision. *McCaughtry v. City of Red Wing*, 808 N.W.2d 331, 337 (Minn. 2011). The ripeness doctrine requires a party challenging the constitutionality of a law to "show that the statute is, or is about to be, applied to his disadvantage." *Baertsch v. Minn. Dep't of Revenue*, 518 N.W.2d 21, 25 (Minn. 1994). "Litigants must be able to show that they have sustained or are immediately in danger of sustaining some direct injury." *McCaughtry*, 808 N.W.2d at 338–39. "Issues which have no existence other than in the realm of future possibility are purely hypothetical and are not justiciable." *Id.* at 339.

In the pre-enforcement context, the critical ripeness question is whether the law "is about to be applied" to the disadvantage of the plaintiff. Several Minnesota Supreme Court cases are instructive on this issue and demonstrate the level of evidence needed to establish a credible threat of enforcement. In *Baertsch*, the court cited an explicit letter from the state expressing intent to enforce the challenged statute against plaintiff to determine that the law at issue was "about to be applied" against Plaintiff. *Baertsch*, 518, N.W.2d at 25. In *McCaughtry v. City of Red Wing*, the plaintiff landlord brought a pre-enforcement challenge to a municipal rental property inspection

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ordinance. *McCaughtry*, 808 N.W.2d at 333. Holding that a judiciable controversy existed, the *McCaughtry* court emphasized that the defendant city was already actively enforcing the ordinance against the plaintiffs, having issued three previous administrative warrants against the plaintiffs under the challenged ordinance over a four-year period. *Id.* at 340. The court also noted that the defendant had expressly indicated that it would continue seeking administrative warrants to inspect the plaintiffs' properties under the challenged ordinance. *Id.*

The Minnesota Court of Appeals' decision in *Democratic-Farmer-Lab. Party by Martin v. Simon*, 9070 N.W.2d 689, 691 (Minn. Ct. App. 2022), further illustrates this issue. *Simon* involved a pre-enforcement challenge to a Minnesota law threatening felony punishment for violations of a caucus eligibility voting statute. *Id.* at 691–92. The plaintiffs, who had not been prosecuted under the law nor were threatened with prosecution, alleged that the statute chilled their right to associate as protected by the First Amendment. *Id.* at 691–92, 696. The court first established that speech is "reasonably chilled—at least enough to render a case ripe—when a plaintiff show an intention to engage in a course of conduct arguably affected with a constitutional interest, but proscribed by the statute, and there exists a *credible threat of prosecution*." *Id.* at 696 (citing *281 Care Comm. v. Arneson*, 638 F.3d 621, 627 (8th Cir. 2011)). As noted by the *Simon* court, even under the relaxed justiciability standard afforded to First Amendment pre-enforcement challenges, ripeness still requires that there be at least a credible threat of prosecution. *Id.* The court in *Simon* proceeded to outline "the constellation of factors courts consider in assessing that threat—or lack thereof." *Id.* at 697–98. These include: the history of the law's enforcement, whether prosecution has ever been threatened, government statements about the law's enforceability, and whether the law involves criminal or civil enforcement, noting that "chilled speech is more likely if there is criminal enforcement." *Id.* Ultimately, the Court of Appeals found that there was no credible threat of

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prosecution because the law at issue was civil in nature, had not been enforced in 40 years, and the state actor firmly announced they could not, and would not, enforce the law. *Id.* at 697–98.

Unlike *Baertsch* or *McCaughtry*, there is no credible threat of enforcement in the present matter. Plaintiff identifies no express threat from the City that Ordinance 25-65 will be enforced against Plaintiff or its individual members. Nor can Plaintiff point to any actual enforcement of the subject ordinance against Plaintiff or its members, or indeed anyone else. Like the statements in *Simon* disavowing enforceability of the challenged statute, the language of the Ordinance itself expressly states the City's intent and understanding that the Ordinance will *not* be enforced absent some further express action by the Minnesota state legislature. *See* City of Saint Paul – File #: Ord 25-65 (stating that Ordinance 25-65 "is designed to take effect only upon the repeal, amendment, or judicial invalidation of state preemption laws that currently prohibit local regulation of firearms"). The contingency provision in the Ordinance underscores the fact the Ordinance is not enforceable absent further state action at some point in the future. [3] *See id.* at Section 225A.02. There is no actual or imminent threat of enforcement under the subject Ordinance that would support Plaintiff's present claims.

c. *Plaintiff's claims fail because they lack standing.*

[3] Plaintiff's professed confusion regarding Section 3 of the Ordinance (providing for the Ordinance and its provisions to take effect thirty days after its passage, approval, and publication) does not change this fact. First, the effective date of the statute is not ambiguous on the face of the Ordinance. Per Section 3, the provisions of the Ordinance, including the contingency provision that limits the Ordinance's effect and enforceability absent further state action, will not take effect until 30 days after passage of the Ordinance. Once the thirty days have passed, the contingency provision takes effect and limits the subsequent effectiveness and enforceability of the remaining provisions in the Ordinance. Viewed in another way, Section 3 establishes a minimum of thirty days before the Ordinance can take effect regardless of whether the contingency provision has been triggered. Thus, even if a state action triggered the contingency provision within less than thirty days of the Ordinance's passage, neither the contingency provision nor the rest of the Ordinance that it would contingently trigger would be able to take effect until after the minimum 30 days have passed. This is consistent with the Saint Paul City Charter, which requires that any ordinance other than an emergency ordinance "shall become effective thirty (30) days after passage, approval, and publication" unless a later date is specified.

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"Standing is a legal requirement that a party have a sufficient stake in a justiciable controversy to seek relief from a court." *Lorix v. Crompton Corp.;*, 736 N.W.2d 619, 624 (Minn. 2007). When, as here, no statute confers standing, a party has standing if it "has suffered 'injury-in-fact.'" *Metro. Stability*, 671 N.W.2d at 913. "To satisfy the 'injury-in-fact' requirement, [a party] must demonstrate that they have suffered actual, concrete injuries caused by the challenged conduct." *Id.* (footnote omitted); *see also Lee v. Delmont*, 36 N.W.2d 5320, 537 (Minn. 1949) ("Issues which have no existence other than in the realm of future possibility are purely hypothetical and are not justiciable. Neither the ripe nor the ripening seeds of a controversy are present.") If a plaintiff alleges future harm, it must show that the injury is "imminent." *Lujan v. Defs. Of Wildlife*, 504 U.S. 555, 560 (1992); *see also, e.g., In re Custody of D.T.R.*, 796 N.W.2d 509, 512–13 (Minn. 2011) (applying *Lujan*). "[S]ome day" intentions—without any description of concrete plans, or indeed even any specification of when the some day will be—do not support a finding of the 'actual or imminent' injury" required for standing. *Lujan*, 504 U.S. at 564. Plaintiff's claims will fail because they have not sufficiently alleged either a past harm or an imminent injury-in-fact. Plaintiff has not alleged that it has been harmed in the past and the allegations of potential harm in the Complaint and Plaintiff's supporting affidavits are sparse and hypothetical.

As already noted, Plaintiff has not identified any express threat of enforcement directed against itself or any of its members. All of the supporting affidavits submitted by Plaintiff cite only speculative concerns of future harm or possible enforcement that has neither been threatened nor actively encountered. Vague concerns that Saint Paul police officers or prosecutors may at some unspecified point in the future adopt different interpretations of the Ordinance or its provisions are entirely too far removed from an actual or imminent harm to support standing in this case, let alone a preliminary injunction. Accordingly, Plaintiff's claims fail on the separate issue of standing and preliminary injunction may be independently denied on that ground.

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d. *Section 624.714, Subd. 23 does not "preempt" the City's ordinance.*

Plaintiff alleges, without citation or support, that the Ordinance's prohibition on possession of firearms within specified "sensitive places" violates Minn. Stat. § 624.714, subd. 23, a portion of the MCPPA. (Pl.'s Mem. at 11.) Plaintiff misunderstands and overstates the effect of Subdivision 23. That subdivision provides for the "[e]xclusivity" of the MCPPA's *regulation of permits* to carry firearms. It states:

> **Exclusivity.** This section [Minn. Stat. § 624.714 sets forth the complete and exclusive criteria and procedures for the issuance of permits to carry and establishes their nature and scope. No sheriff, police chief, governmental unit, governmental official, government employee , or other person or body acting under color of law or governmental authority may change, modify, or supplement these criteria or procedures, or limit the exercise of a permit to carry.

Minn. Stat. § 624.714, subd. 23. The Ordinance's prohibition does not change, modify, or supplement the permitting criteria established in the MCPPA. In fact, the City's Ordinance does not address permits at all. Nor does the Ordinance's prohibition on firearms in specified "sensitive places" "limit the exercise of a permit to carry."

Plaintiff assumes, without analysis, that the MCPPA not only created a defense to a criminal possession of a firearm charge but further created an affirmative right for permit holders to carry a firearm in any public place in Minnesota. (Compl. ¶¶ 23–25; Pl.'s Mem. at 11.) The statute does no such thing. Rather than creating a "right" for permitholders to carry pistols in public, Subdivision 1a of the MCPPA makes it a crime for a "person, other than a peace officer, . . . [to] carr[y], hold[], or possess[] a pistol in . . . on or about the person's clothes or the person, or otherwise in possession or control in a public place[.]" Minn. Stat. § 624.714, subd. 1a. The statute carves out of the scope of this crime those who have "first obtained a permit to carry the pistol" under the MCPPA. *Id.* There is no language whatsoever in the MCPPA that creates an express and affirmative right for permitholders to carry a firearm in public.

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If the Legislature had intended to create an affirmative right, it could have done so. Indeed, other state legislatures have done just that. *See, e.g.*, Wis. Stat. § 175.60(2g)(a) ("A licensee or an out-of-state licensee may carry a concealed weapon anywhere in this state[.]"). In other words, the effect of holding a valid permit to carry a pistol in Minnesota is that the person will not be held criminally liable under Minn. Stat. § 624.714, subd. 1a or the few other Minnesota statutes which establish a similar defense to criminal liability for permitholders. *See, e.g.,* Minn. Stat. § 609.66 (carrying firearms in certain government buildings). The Ordinance's prohibition on firearms in "sensitive places" does not nullify or obviate this defense to the crime created by Minn. Stat. § 624.714, subd. 1a or any other criminal statute that exempts permitholders.

II. The Balance of Harms and Public Interest weigh in favor of denying Plaintiff's Motion.

"The party seeking an injunction must establish that legal remedies are inadequate and that an injunction must issue to prevent great and irreparable injury." *Metro. Sports Facilities Comm'n v. Minnesota Twins Partnership*, 638 N.W.2d 214, 222 (Minn. Ct. App. 2002). Plaintiff must make an "extraordinarily strong showing" of irreparable harm to obtain injunctive relief. *Yager v. Thompson*, 352 N.W.2d 71, 75 (Minn. Ct. App. 1984); *Morse v. City of Waterville*, 458 N.W.2d 728, 730 (Minn. Ct. App. 1990). Injunctive relief should be granted only in clear cases, reasonably free from doubt, and when necessary to prevent great and irreparable injury. *AMF Pinspotters*, 110 N.W.2d at 351. As noted by the Minnesota Supreme Court in *Morse*:

> The key word in this consideration is *irreparable*. Mere injuries, however substantial, in terms of money, time, and energy necessarily expended in the absence of a stay, are not enough. The possibility that adequate compensatory or other corrective relief will be available at a later date, in the ordinary course of litigation weighs heavily against a claim of irreparable harm.

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Id. at 713. "The failure to show irreparable harm is, by itself, a sufficient ground upon which to deny a preliminary injunction." *Morse*, 458 N.W.2d at 730. Critically, while Plaintiff "must show irreparable harm to trigger an injunction," the City "need only show substantial harm to bar it." *Pacific Equip. & Irrigation, Inc.*, 519 N.W.2d at 915.

A temporary injunction should not issue if the balance of harms and public policy, favor the opposing party. *Dahlberg Bros. v. Ford Motor Co.*, 137 N.W.2d 314, 321–22 (1965). The factors relating to "harm to the opposing party and the public interest—merge when the Government is the party opposing the preliminary injunction". *Cf. Morehouse Enters., LLC v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, 78 F.4th 1011, 1018 (8th Cir. 2023) (citing *Nken v. Holder*, 556 U.S. 418, 435 (2009)). That is particularly true here, where the public policy reflected by the City's democratically enacted ordinance is the subject of the challenge.

Under this analysis, Plaintiffs' alleged harm falls far short of the requisite "irreparable" harm and does not outweigh the substantial harm that a temporary injunction—an "extraordinary remedy"—would incur on the City and public interest writ large. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008).

a. *Plaintiff fails to show concrete and irreparable harm.*

Plaintiff has failed to make the "extraordinarily strong showing" of irreparable harm required to support an injunction. To show irreparable harm, plaintiffs must identify an injury that is imminent and actual, not hypothetical or remote. *See Costley v. Caromin House, Inc.*, 313 N.W.2d 21, 28 (Minn. 1981) ("A trial court cannot enjoin what a party only assumes . . . or fears will be a possible result."). This is true even when a party asserts irreparable harm based on the alleged chilling of a fundamental right. *Morehouse Enters., LLC v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, 78 F.4th 1011, 1017 (8th Cir. 2023) (denying preliminary injunction of a ghost gun regulation because "the assertion of a possible constitutional violation does not release

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plaintiffs from their burden of showing that irreparable harm is more than just a "mere possibility"). It is not enough to allege merely that Second Amendment rights are at stake; plaintiffs must "demonstrate that absent a preliminary injunction they will suffer an injury that is neither remote nor speculative, but actual and imminent, and one that cannot be remedied if a court waits until the end of trial to resolve the harm." *Nat'l Ass'n for Gun Rts. v. Lamont*, 153 F.4th 213, 248 (2d Cir. 2025). Plaintiff has not proven irreparable harm justifying a preliminary injunction, nor shown that its harms outweigh potential harms to both the City and public interest.

Plaintiff offers only two alleged types of harm to support the present preliminary injunction request. First, Plaintiff contends that the ordinance creates uncertainty that would chill individuals' exercise of Second Amendment rights in their future conduct. Second, Plaintiff alleges an abstract harm to "the constitutional allocation of legislative authority" and contends that such harm constitutes a "constitutional injury" to all citizens. (Pl.'s Mem. at 8–9.) Neither of these alleged harms present the type of imminent and actual harm necessary to sustain a preliminary injunction, let alone an "irreparable harm" that requires immediate remedy prior to resolving this matter on its merits.

As to Plaintiff's first alleged harm, Plaintiff has demonstrated no credible threat of enforcement under the Ordinance. Any alleged harm to Plaintiff or its members is too conjectural and remote to constitute the type of irreparable harm that would permit a preliminary injunction. The Ordinance is expressly "designed to take effect only upon the repeal, amendment, or judicial invalidation of state preemption laws that currently prohibit local regulation of firearms." City of Saint Paul – File #: Ord 25-65. To that end, the Ordinance contains an explicit contingency provision which states that the newly enacted Ordinance is "contingent and shall not take effect, nor be enforced, unless" Minn. Stat. § 471.633 is repealed or some additional action is taken by the state legislature to pass "any Minnesota law that is substantially the same as any part of this

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ordinance or otherwise affirmatively authorizes municipalities to enact and enforce substantially similar regulations." *Id.* at Sec. 225A.02. Beyond Plaintiff's purely conjectural assertions that any of its members would be subject to specific enforcement under the statute if it did take effect, even the possibility of the Ordinance taking effect generally is predicated on a hypothetical future state action that has yet to occur. Such ethereal hypotheticals are far removed from the actual and imminent type of harm necessary to sustain preliminary injunction.

The sole case cited by Plaintiff does not offer any meaningful support to suggest that Plaintiff's conjectural theories are sufficient to establish the necessary irreparable harm to support to its motion. (*See* Pl.'s Mem., at 8 (citing *State v. Hensel*, 901 N.W.2d 166, 172–73 (Minn. 2017)).) In *Hensel*, the court was not addressing a preliminary injunction or any question of irreparable harm in relation to the same. *See Hensel*, 901 N.W.2d at 170 (addressing post-trial appeal of criminal conviction based on constitutional challenge of underlying criminal statute under which appellant was convicted). Contrary to Plaintiff's representations, the *Hensel* matter did not concern any question of pre-enforcement civil litigation based on unconstitutional vagueness, but rather addressed an explicit post-conviction appeal challenging a loitering statute based on the overbreadth doctrine applied to alleged First Amendment violations. *See id.* at 172–73. Plaintiff offers no authority to suggest that the overbreadth analysis is transferrable to the present non-First Amendment claims.

Plaintiff's second alleged harm is far too abstract and removed from any individualized injury to Plaintiff or its members to support an actionable injury in fact, let alone the imminent and actual irreparable harm required to sustain a preliminary injunction. Plaintiff contends that a general harm will arise from the subject Ordinance's alleged violation of the "constitutional allocation of legislative authority." (Pl.'s Mem. at 8–9.) Plaintiff offers no substantive citation or case law to support its novel theory that general concepts of governmental structure and divisions

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of power among co-equal governments are sufficient to establish an individual injury to citizens that would support preliminary injunction of a duly-passed municipal ordinance. That is presumably because the established case law makes it clear that "a citizen does not have standing to challenge a government regulation simply because the plaintiff believes that the government is acting illegally." *FDA v. Alliance for Hippocratic Med.*, 602 U.S. 367, 381 (2024). Plaintiff's theory of injury essentially boils down to the notion that a citizen is harmed generally by an ordinance that violates the law, but established case law is clear that "[a] citizen may not sue based only on an asserted right to have the Government act in accordance with law." *Id.*

For these reasons, Plaintiff has wholly failed to establish the requisite irreparable harm required to sustain preliminary injunction. On that basis alone, the present motion should be denied.

b. *An injunction would substantially harm the City and the Public Interest.*

As stated, Plaintiff has failed to satisfy its burden of demonstrating irreparable harm. In addition to the lack of irreparable harm, the present motion for preliminary injunction also separately fails because the City would be substantially harmed by any such injunction. In other words, the balance of harms favors denial of the present motion.

The City "need only show substantial harm to bar [an injunction]." *Pac. Equip. & Irr., Inc. v. Toro Co.*, 519 N.W.2d 911, 915. (Minn. Ct. App. 1994). Here, substantial harms to the City's public policy interests in preventing gun violence and protecting municipal power to enact duly passed ordinances support denial of Plaintiffs' request for a temporary injunction.

A temporary injunction here would threaten municipal authority to enact and uphold duly passed ordinances and undermine the public interest in preventing gun violence, both at stake in this litigation. There is a strong public interest in preserving municipalities' authority and autonomy to legislate. *See Dahlberg*, 137 N.W.2d at 280 (court should consider "legislative

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expressions which manifest a public policy on the subject" when addressing a request to issue a preliminary injunction). This is especially true as it relates to local government authority to exercise police powers in matters affecting public health and safety. *Alexander Co. v. City of Owatonna*, 24 N.W.2d 244, 251 (Minn. 1946) ("Municipalities have generally been accorded wide latitude in the exercise of police powers . . . . This is especially true with respect to conditions affecting public health and safety."); *State v. Crabtree Co*., 22 N.W.2d 443, 447 (Minn. 1946) (noting municipalities have a "wide discretion" in resorting to their general police power "for the purpose of preserving public health, safety, and morals, or abating public nuisances"); *cf. Ass'n of Cmty. Orgs. for Reform Now v. City of Frontenac*, 714 F.2d 813, 817–18 (8th Cir. 1983) (holding that municipalities have the "power" and "duty" to regulate to reduce crime and protect residents). Preventing gun violence falls squarely within these core local governmental responsibilities.

The Minnesota Court of Appeals decision in *Minnesota Chamber of Commerce v. City of Minneapolis* is instructive here. No. A17-0131, 2017 WL 4105201, at *4 (Minn. Ct. App. Sept. 18, 2017) (referencing the "strong public policy towards permitting the City to govern in ways that it believes best promotes the public health of its residents") (internal quotations omitted). There, the court upheld on appeal the denial of a temporary injunction in a preemption challenge to a city ordinance. It noted that "[t]he district court weighed the "strong public policy towards permitting the City to govern in ways that it believes best promotes the public health of its residents" against the [plaintiff's] interest in not being "unlawfully burdened," and concluded, "[w]e find no fault with the district court giving greater weight to respecting the city's legislative role. . . ." *Id*. (citing *White Bear Docking & Storage, Inc. v. City of White Bear Lake*, 324 N.W.2d 174, 175 (Minn. 1982) ("The court's authority to interfere in the management of municipal affairs is, and should be, limited and sparingly invoked.")).

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Courts have repeatedly recognized a compelling government interest in public safety, and specifically in protecting the general public from gun violence. *See, e.g., State v. Hatch*, 962 N.W.2d 661, 665 (Minn. 2021) ("The government's compelling interest in protecting the general public from gun violence is self-evident."); *cf. Minnesota v. Fleet Farm LLC*, No. CV 22-2694 (JRT/JFD), 2025 WL 2802243, at *11 (D. Minn. Oct. 1, 2025) (recognizing the government's "interest in protecting its citizens from increasing gun trafficking and gun violence"). The public policy favoring Saint Paul's ability to govern in a manner which best promotes the public health of its residents weighs against an injunction.

Saint Paul's democratically elected councilmembers unanimously enacted the Ordinance to address serious concerns of gun violence affecting Saint Paul residents.[4] While it remains contingent on further action by the State legislature before becoming enforceable, Saint Paul passed the Ordinance out of serious concern for how gun violence impacts the city's residents. A temporary injunction would harm not only the City, but also the residents whose voice is captured in the Ordinance through the acts of their elected representatives. *Cf. Maryland v. King*, 567 U.S. 1301, 1303 (2012) ("Any time a State is enjoined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury").

Multiple federal courts have recognized that the alleged chilling of a fundamental rights does not, on its own, outweigh the applicable public interests when balancing harms under the preliminary injunction analysis. More is required. For example, in *Worth v. Jacobson*, Case No. 21-cv-1348, 2023 WL 3052730, at *4 (D. Minn. Apr. 24, 2023), the court allowed the state to continue enforcing a law it held to be *unconstitutional* pending appellate review, even while acknowledging that staying an injunction of the law would "affect the Plaintiffs' ability to exercise

[4] Chloe Rosen, St. Paul becomes first city in coalition to pass gun violence prevention ordinance, CBS News (Nov. 13, 2025, 3:58PM), https://www.cbsnews.com/minnesota/news/st-paul-pass-gun-violence-prevention-ordinance/.

their rights under the Second Amendment." *Id*. (holding that the balance of harms analysis weighed in favor of allowing the state to continue enforcing a firearms law despite plaintiffs' "interest in exercising their constitutional rights"). There, the court held that the harm to plaintiffs' constitutional rights was outweighed by the government's harms, noting that any injunction on legislation thwarts the will of the people as exercised through their elected representatives' actions. *Id.*; s*ee also Hanson v. Dist. Of Columbia*, 120 F.4th 223, 244 (D.C. Cir. 2024) ("Even in the sensitive areas of freedom of speech and religion, where the risk of chilling protected conduct is especially high, we do not "axiomatically" find that a plaintiff will suffer irreparable harm simply because it alleges a violation of its rights."); *Lamont*, 153 F.4th at 249 ("The fact that a plaintiff alleges constitutional harm does not end our balance-of-the-equities inquiry.").

Similarly, in *Lamont*, the Second Circuit rejected a motion for a preliminary injunction on Connecticut statutes banning assault weapons and large capacity magazines where the government's interest outweighed any harm to plaintiffs' constitutional rights. *Lamont*, 153 F.4th at 249. In finding for the government in the balance of equities analysis, the court in *Lamont* relied in part on the finding that "[w]hile Plaintiffs point to their inability to use the desired firearms for self-defense, they do not explain why the thousands of firearms Connecticut's statutes leave available, including several semiautomatic handguns, are insufficient for this purpose during the pendency of the case." *Lamont*, 153 F.4th at 249. So too here, even if the Ordinance were enforceable, Plaintiff does not explain why the myriad of firearms left untouched by St. Paul's Ordinance are not sufficient for self-defense purposes. Lawful gun owners retain the ability to own, possess, and carry firearms allowed under state law, including handguns and many rifles. Given the substantial interests at stake for the City of St. Paul and Plaintiff's failure to prove irreparable harm, the balance of harms weighs against a preliminary injunction in this case.

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III. Nature of Parties' Relationship Favors Denial of Motion

Plaintiff's argument regarding the parties' relationship is unpersuasive and inapplicable to the relevant considerations that Minnesota courts address during preliminary injunction analysis. In considering the relationship between the parties, the courts generally emphasize preserving the status quo pending a full trial on the merits. *See State ex rel. Neighbors Organized in Support of Env't v. Dotty*, 396 N.W.2d 55, 59 (Minn. Ct. App. 1986). This factor weights strongly against issuing an injunction. The City has, through its legislative process, duly passed and codified the subject Ordinance into law. That is the status quo. Plaintiff's present motion seeks to disrupt that status quo by discarding the City's duly passed ordinance and restricting the same before any trial on the merits. Furthermore, as already noted, the ordinance is explicitly contingent on a future State action that has yet to pass and therefore no direct enforcement action will arise if it is published as intended.

IV. Administrative Burden of Enforcing the proposed Injunction is Neutral

The administrative burden of enforcing the proposed injunction is a neutral factor in this case and neither favors nor disfavors the injunction.

CONCLUSION

For all the reasons stated, Plaintiff's motion for temporary restraining order and preliminary injunction should be denied.

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