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STATE OF MINNESOTA | DISTRICT COURT

COUNTY OF RAMSEY | SECOND JUDICIAL DISTRICT

CASE TYPE: CIVIL - OTHER

62-CV-25-9927
Judge: Leonardo Castro

Minnesota Gun Owners Caucus,

Plaintiff,

v.

City of Saint Paul, Minnesota,

Defendant.

ORDER DENYING DEFENDANT'S MOTION TO DISMISS

The above-entitled matter came before the Honorable Leonardo Castro, Judge of District Court, on April 14, 2026, upon Defendant's Motion to Dismiss the Amended Complaint. Rob Doar, Esq. appeared on behalf of Plaintiff. Alexander Hsu, Assistant City of St. Paul Attorney, appeared on behalf of Defendant.

Based on the submissions of the parties, the arguments of counsel at the hearing, and on all the files, records and proceedings in this case:

IT IS HEREBY ORDERED:

1. Defendant's Motion to Dismiss the Amended Complaint is **DENIED**, in its entirety.
2. The attached memorandum is incorporated by reference.

SO ORDERED.

Dated: May 23, 2026

BY THE COURT:

Castro, Leonardo (Judge)
May 23, 2026 8:24 AM

The Honorable Leonardo Castro
Judge of the District Court

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Memorandum

Introduction

Defendant, City of Saint Paul (the "City"), moves this Court for dismissal of Plaintiff's Amended Complaint, for lack of subject matter jurisdiction and failure to state a claim. The City argues that the Amended Complaint should be dismissed for lack of subject matter jurisdiction because Plaintiff fails to allege a justiciable controversy ripe for judicial review and fails to allege the requisite injury in fact to support standing. The City further argues that the Amended Complaint fails to state a viable cause of action because: (1) Minn. Stat. §§ 471.633 and 624.714, do not provide private causes of action to support declaratory judgement; (2) the Ordinance is not unconstitutionally vague; (3) Minn. Stat. § 623.714 does not preempt the Ordinance; and (4) the Ordinance is not self-executing and therefore does not violate Minn. Stat. §§ 471.633 and 624.714.

Plaintiff, Minnesota Gun Owner's Caucus ("Plaintiff" or "MGOC"), filed its Amended Complaint seeking declaratory relief under Minn. Stat. § 555.02 to determine the validity of an enacted municipal ordinance. Count I of the Amended Complaint asks whether the City exceeded the limits that Minn. Stat. § 471.633 places on municipal power. Count II identifies a separate preemption problem and seeks judicial declaration that Section 225A.10 of Ordinance 25-65 (the "Ordinance") is void and of no legal force or effect for violating Minn. Stat. § 624.714, subd. 23. And Count III seeks declaratory relief alleging the Ordinance is unconstitutional on its face because its effective date and triggering provisions fail to provide fair notice and invite arbitrary enforcement, in violation of the Minnesota Constitution, article 1, section 7.

The Ordinance

On November 12, 2025, the City of Saint Paul Ordinance 25-65 (the "Ordinance") was passed by unanimous vote of the Saint Paul City Council. The Ordinance was subsequently signed

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by the Saint Paul City Mayor on November 19, 2025, and codified. 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." Under the Ordinance, which imposes criminal penalties, certain classifications of firearms and firearm modifications are prohibited within the City. Additionally, the Ordinance provides for a general prohibition on firearms within certain, specified "sensitive places." "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." Section 225A.01.

The Ordinance includes 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." Section 225A.02. The Ordinance also 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 § 1.

Standard of Review

A motion to dismiss under Minn. R. Civ. P. 12.02(e) tests the legal sufficiency of the pleading, not the weight of the evidence. Minnesota is a notice-pleading state. *Walsh v. U.S. Bank, N.A.*, 851 N.W.2d 598, 603–05 (Minn. 2014). A claim survives dismissal if it is possible, on any evidence that might be produced consistent with the pleader's theory, to grant the relief

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demanded. *DeRosa v. McKenzie*, 936 N.W.2d 342, 346 (Minn. 2019). The Court must accept the facts alleged in the complaint as true and draw reasonable inferences in Plaintiff's favor. *Walsh*, 851 N.W.2d at 606.

Justiciability Under the UDJA

The City moves for dismissal arguing that the Amended Complaint does not present a justiciable controversy under the Uniform Declaratory Judgments Act ("UDJA"). An actual controversy exists when the 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." *Onvoy, Inc. v. ALLETE, Inc.*, 736 N.W.2d 611, 617–18 (Minn. 2007) citing *State ex rel. Smith v. Haveland,* 223 Minn. 89, 92, 25 N.W.2d 474, 476–77 (1946). Standing requires a sufficient stake in that controversy, often shown through injury in fact. *Lorix v. Crompton Corp*., 736 N.W.2d 619, 624 (Minn. 2007). At the pleading stage, the question is whether Plaintiff has stated legally cognizable claims for declaratory relief based on the facts plead.

Under the UDJA,

> Any person interested … whose rights, status, or other legal relations are affected by a … municipal ordinance … may have determined any question of construction or validity arising under the … ordinance … and obtain a declaration of rights, status, or other legal relations thereunder.

Minn. Stat. 555.12.

The Minnesota Supreme Court has held that the UDJA "specifically provides for challenges to the validity of a municipal ordinance that 'affect[s]' the rights of a person," and that "a declaratory judgment action is proper to test the validity of a municipal ordinance, regardless

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of whether another remedy exists." *McCaughtry v. City of Red Wing*, 808 N.W.2d 331, 337 (Minn. 2011).

The City argues there is no actual controversy because the Ordinance is not enforceable absent some future State legislative action. But declaratory judgment is not limited to laws already enforced to the last possible consequence. See *State ex rel. Miller v. State Board of Education*, 56 Idaho 210, 52 P.2d 141 (1935) (Action for declaratory judgment may invoke either remedial or preventive relief and may relate to right that has been breached or is yet in dispute, or status that is undisturbed but endangered). *McCaughtry* recognized the "preventative" purpose of declaratory judgment and reaffirmed that jurisdiction exists when a judicially protectable right is placed in jeopardy by the "ripe or ripening seeds of an actual controversy," even though "the status quo between the parties has not yet been destroyed or impaired" and even though the only relief sought may be a declaration relieving "present uncertainty and insecurity." 808 N.W.2d at 339[1] (quotation omitted).

Plaintiff's Amended Complaint alleges that the Ordinance's passage, enactment, and codification currently force members to make present decisions about acquisition, possession, transport, carrying, and disposal of firearms and accessories under a cloud of legal uncertainty. Am. Compl. ¶¶ 37–41. Plaintiff alleges that members have already altered their conduct and come into compliance now to avoid the risk of adverse law enforcement encounters when the Ordinance's provisions are misunderstood or treated as operative. *Id.* ¶¶ 12(a)–(d), 39–41, 55–56. Plaintiff argues that the burden of compliance i.e. disposing of, transferring, storing, or otherwise

[1] The City tries to distinguish *McCaughtry* by saying the ordinance challenge there rested on constitutional grounds, whereas Counts I and II rest on state statutes. But nothing in § 555.02 says an affected person may challenge the validity of a municipal ordinance only when the challenge sounds in constitutional law. And nothing in *McCaughtry* suggests that declaratory review of ordinance validity depends on whether a plaintiff can attach a constitutional label to the claim.

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arranging lawful alternatives for items the Ordinance purports to ban, is immediate because it takes time, expense, and advance planning to comply with the Ordinance and because members cannot reasonably know whether City agents will treat the Ordinance as enforceable now or at some later point.

Therefore, the only practical way to avoid criminal liability is to presently conform to the provisions of the Ordinance. These are "definite and concrete" injuries Plaintiff asserts and for which they seek declaratory relief to resolve such uncertainty before citizens must risk prosecution or other sanctions. Because the question before this Court in this motion to dismiss is one of justiciability under the UDJA, this Court concludes that Plaintiff has pleaded sufficient facts to support a present and concrete controversy.

Private Cause of Action

The City's central argument is that Plaintiff has "no right of action to enforce state statutes regarding the Ordinance" because §§ 471.633 and 624.714 provide no private cause of action. But Counts I and II of the Amended Complaint do not seek damages under either statute and do not ask the Court to imply a private enforcement mechanism into either one. Rather, they invoke those statutes as rules of decision in a declaratory challenge to the validity of a municipal ordinance under Minn. Stat. § 555.02. Count I of the Amended Complaint is captioned "Declaratory Judgment (Minn. Stat. § 555.02) – Ordinance 25–65 Is *Ultra Vires* and Void Under Minn. Stat. § 471.633." Am. Compl. at ¶ 19. Count II of the Amended Complaint is captioned "Declaratory Judgment (Minn. Stat. § 555.02) – Permit–to–Carry Preemption – Ordinance 25–65 Is Void Under Minn. Stat. § 624.714, subd. 23." *Id.* at ¶ 22. Paragraph 87 of the Amended Complaint makes clear the relief sought: "Declaratory relief is authorized under Minn. Stat. § 555.02 because Plaintiff's members' rights and legal relations are affected by a municipal ordinance and Plaintiff seeks a

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declaration regarding its validity." *Id.* 87. Plaintiff does not ask the Court to enforce Minn. Stat. § 471.633 and § 624.714, subd. 23 against the City, but rather Plaintiff asks the Court to determine whether the City acted beyond the authority those statutes provide when the City enacted the Ordinance.

The City argues that Minn. Stat. § 555.02 does not distinguish between ordinance challenges and other declaratory actions and therefore cannot sustain Counts I and II without some separate underlying cause of action. But the plain reading of the text does make a distinction. It expressly names "municipal ordinance" and authorizes affected persons to obtain a judicial determination of "any question of construction or validity" arising under that ordinance. Minn. Stat. § 555.02. The City's reading of the UDJA would effectively modify the UDJA and delete "municipal ordinance" and "validity" from the statute. Again, Plaintiff is asking this Court to give effect to the Legislature's express declaration that a preempted or inconsistent local regulation has no legal existence.

Minnesota appellate courts have routinely adjudicated declaratory actions alleging that municipal ordinances are preempted by or otherwise inconsistent with state law. They do not treat those cases as failed attempts to imply private causes of action under the preempting statute. *See, e.g.*, *Connor v. Twp. of Chanhassen*, 81 N.W.2d 789, 793–94 (1957); *NSP v. City of Granite Falls*, 463 N.W.2d 541, 542–45 (Minn. App. Ct. 1990), rev. denied (Minn. Jan. 14 & 24, 1991); *Graco, Inc. v. City of Minneapolis*, 937 N.W.2d 756, 759–60 (Minn. 2020); *Minn. Chamber of Com. v. City of Minneapolis*, 944 N.W.2d 441, 446–47 (Minn. 2020). In each of those cases, the substantive law was the state-law limit on municipal authority, and the vehicle was declaratory or equivalent pre-enforcement review of ordinance validity. Plaintiff in this case seeks similar relief.

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Minn. Stat. § 471.633 Preemption and the Contingency Provision

The City argues that because the Ordinance is not self-executing and therefore non-enforceable, it does not violate Minn. Stat. § 471.633 because it does not occupy the field of regulation of firearms, ammunition, or their respective components. Ordinance 25-65 expressly provides in its contingency provision that it is not enforceable or effective absent repeal of Minn. Stat. § 471.633 or some other State governmental action that would authorize the City to enforce its provisions. The City conflates the issue of enforceability with the issue of authority.

Minn. Stat. § 471.633 (emphasis added) reads as follows:

> The *legislature preempts all authority of a home rule charter or statutory city* including a city of the first class, county, town, municipal corporation, or other governmental subdivision, or any of their instrumentalities, to regulate firearms, ammunition, or their respective components *to the complete exclusion of any order, ordinance or regulation* by them except that:
>
> (a) a governmental subdivision may regulate the discharge of firearms; and
>
> (b) a governmental subdivision may adopt regulations identical to state law.
>
> *Local regulation inconsistent with this section is void*.

Section 471.633 does not say municipalities may enact firearm ordinances so long as they delay enforcement. It says the Legislature "preempts all authority" of cities and other local entities "to regulate firearms, ammunition, or their respective components *to the complete exclusion of any* order, ordinance or regulation" by them, subject to narrow exceptions not relevant here. Minn. Stat. § 471.633 (emphasis added). It then says: "Local regulation inconsistent with this section is void." *Id.* The preemption is to the complete exclusion of any ordinance. There are no exceptions for contingent ordinances.

To be void is to be "ineffectual; having no legal force or binding effect; unable, in law, to support the purpose for which it was intended." Black's Law Dictionary, p. 1411, 5th ed. (1979).

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Under longstanding principles of law, a legislative act that is "void" (as distinguished from "voidable") is a nullity from the moment of its enactment and cannot acquire validity retroactively. *Norton v. Shelby County*, 118 U.S. 425, 442 (1886) ("An unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal contemplation, as inoperative as though it had never been passed."). The Legislature's choice of the word "void" rather than "unenforceable" or "voidable" carries that established meaning. *See* Minn. Stat. § 645.08(1).

The Amended Complaint Count I challenges the City's enactment and codification of the Ordinance as it stands when codified. That is the *ultra vires*[2] act Plaintiff alleges. The Amended Complaint rests on a theory that the City had no authority to pass the ordinance, regardless of its contingent nature. Am. Compl. ¶¶ 59–68. The Plaintiff has sufficiently stated a valid claim upon which relief may be granted.

Minn. Stat. § 624.714[3], subd. 23 and § 624.717 Preemption

The Amended Complaint alleges that the Legislature made the permit–to–carry regime statewide and exclusive, that a permit under Minn. Stat. § 624.714 "is a state permit and is effective throughout the state," that no governmental unit may "limit the exercise of a permit to carry," that § 624.717 supersedes local regulation of carrying or possessing pistols, and that § 624.7181 separately exempts permit holders from that public-place rifle/shotgun offense. Am. Compl. ¶¶ 21–25. Count II then alleges that § 225A.10 "purports to prohibit Caucus members who hold a valid permit to carry from carrying firearms in 'sensitive places' where state law otherwise permits

[2] An ordinance is *ultra vires* and, thus, without legal force or effect if it is "beyond the limits of the power granted" to the enacting political subdivision. *Lilly v. City of Minneapolis,* 527 N.W.2d 107, 113 (Minn. Ct. App.1995), *review denied* (Minn. Mar. 29, 1995).
[3] Minnesota Citizens' Personal Protection Act ("MCPPA").

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them to do so" and that this constitutes an attempt by a governmental unit to "limit the exercise of a permit to carry" in violation of § 624.714, subd. 23. *Id.* ¶¶ 71–75.

The City moves to dismiss Count II of the Amended Complaint arguing that the Ordinance does not violate the preemption provisions of § 624.714, subd. 23, because the Ordinance's prohibition does not change, modify, or supplement the permitting criteria established in the MCPPA. The provision reads as follows:

> **Exclusivity.** This section 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.

However, the MCPPA appears to do more than just preempt the modification of permitting criteria. It prevents a governmental unit from limiting "the exercise of a permit to carry." *Id*. The Ordinance limits the exercise of a permit to carry when it makes possession of a firearm a misdemeanor in broad categories of public places throughout the City. If a permit holder may otherwise be permitted to carry under statewide law but becomes subject to local criminal liability when they enter the City's library, park, recreation center, arena, or zoo, the City has limited the exercise of that permit.

The MCPPA is not only intended to protect and preempt the administrative permitting process. The City, may not "change, modify, or supplement these criteria or procedures, or *limit the exercise* of a permit to carry." *Id*. (emphasis added) Plaintiff argues that "exercise" means the practical deployment of the legal authorization the permit confers, and a local ordinance that makes that deployment a misdemeanor in broad categories of public places within the City, directly limits

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the exercise of the permit. This Court agrees that the Ordinance limits the exercise of a permit to carry.

The City's motion to dismiss does not address the Minn. Stat. § 624.717 preemption. The City's silence on § 624.717 is effectively a concession on a textually independent ground. Section 624.717 does not require the Court to interpret "limit the exercise of a permit to carry" under Minn. Stat. § 624.714, subd. 23. It states on its face that §§ 624.711 through 624.716 "supersede municipal or county regulation of the carrying or possessing of pistols." Minn. Stat. § 624.717. The Ordinance criminalizes the carrying of pistols by permit holders in broad categories of public places throughout the City. *See* § 225A.10. That is municipal regulation of the carrying of pistols, which § 624.717 directly supersedes. No analysis of the scope of Minn. Stat. § 624.714, subd. 23 is required to reach that conclusion.

Void for Vagueness Claim

The void for vagueness doctrine requires that a penal ordinance define the criminal offense with sufficient definiteness that (1) ordinary people can understand what conduct is prohibited, and (2) the statute is defined in a manner that does not encourage arbitrary and discriminatory enforcement. *See State v. Newstrom*, 371 N.W.2d 525, 528 (1985), *citing Kolender v. Lawson*, 461 U.S. 352, 358 n. 8 (1983), *reaffirmed*, *State v. Bussmann*, 741 N.W.2d 79, 83 (Minn. 2007). These two prongs are analytically distinct bases for a vagueness challenge, and either one, standing alone, can render a statute unconstitutional. *State v. Ness*, 834 N.W.2d 177 (2013). People of common intelligence must not be left to guess at the meaning of a statute nor differ as to its application. *Connally v. General Construction Co.,* 269 U.S. 385, 391 (1925). Where a statute imposes criminal penalties, a higher standard of certainty of meaning is required. *Kolender,* 461 U.S. 352, 358 (1983).

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The Amended Complaint alleges that the Ordinance fails to tell ordinary citizens (1) when the law applies, (2) who decides that it applies, and (3) what rule is in force when the City says the trigger has been met. Am. Compl. ¶¶ 43–50, 78–84. Plaintiff alleges that the Ordinance does not tell ordinary citizens when criminal liability attaches. Section 3 states the Ordinance "shall take effect and be in force" thirty days after passage, approval, and publication. Am. Compl. ¶¶ 43, 79. However, Section 225A.02 says it "shall not take effect, nor be enforced" unless and until a future trigger occurs. *Id.* ¶¶ 44, 80. The City responds by saying the two provisions can be harmonized because Section 3 establishes a minimum 30–day delay and Section 225A.02 adds a later contingency. The Plaintiff argues that if the operative date of the Ordinance must be reconstructed by post hoc argument, the text is not self–explanatory and the public has no way to know when the later contingency has been satisfied.

In further support of the vagueness argument, Plaintiff argues that the Ordinance does not tell citizens who decides whether the § 225A.02(b) trigger has occurred. The City responds that the trigger is the 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. But the Ordinance identifies no City official, body, or process responsible for making that comparison. *Id.* ¶34A. It provides no procedure for deciding whether the comparison standard is met. *Id.* ¶¶ 48–49, 82–84. It requires no public announcement. *Id.* The central judgment that turns Chapter 225A from "inactive" or "non-enforceable" ordinance to a criminal penalty is left entirely unstated, requiring ordinary citizens to make the comparison.

Finally, and perhaps most importantly, the Plaintiff argues that the Ordinance does not tell citizens what text governs once the City claims the trigger has been satisfied. Section 225A.02 says that once the condition occurs, "any language herein must be deemed conformed to the

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substantially similar state law to the extent required for consistency." Chapter 225A02(b). Plaintiff argues that not only does the Ordinance become effective automatically, but it also rewrites itself automatically. Citizens are therefore not merely guessing about when the law applies but also guessing about what the City, or the enforcement authority, thinks the law now says. The constitutional requirement of fair notice in penal law is not satisfied when citizens must independently analyze unspecified future state legislation, determine whether the City considers it "substantially the same" as Chapter 225A, and then infer what Chapter 225A's text has "deemed" itself to become in light of that legislation — all before knowing whether they are in violation of a criminal ordinance. Plaintiff sufficiently alleges that the Ordinance is unconstitutionally vague because a penal law must provide persons of ordinary intelligence with a reasonable opportunity to know what is prohibited, and the Ordinance, as alleged by Plaintiff, fails to do so.

Conclusion

For the reason previously stated, the City's motion to dismiss the Amended Complaint for lack of subject matter jurisdiction and failure to state a claim, is denied in its entirety.

LC

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