

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Troy Kenneth Scheffler,

Court File Number: 62-CV-25-6308

Plaintiff,

v.

Ramsey County, a political subdivision
of the State of Minnesota,Bob B. Fletcher, in his official capacity
as Ramsey County Sheriff and MGDPA
Responsible Authority,**DEFENDANTS' MEMORANDUM IN
OPPOSITION TO PLAINTIFF'S
MOTION FOR DEFAULT JUDGMENT**

And

Tim Gulden, in his official capacity as
Ramsey County Sheriff's Office MGDPA
Designee,

Defendants.

The Court should dismiss Plaintiff's Motion for a Default Judgment against Defendants because Defendants timely served a response to his Summons and Complaint and have a reasonable defense on the merits. Furthermore, Plaintiff will not be prejudiced by Defendants' response.

FACTUAL AND PROCEDURAL BACKGROUND

Defendants' Memorandum of Law in Support of its Motion to Dismiss provides a full account of Plaintiff's allegations raised in his Complaint. (See Mem. of Law., Index #18). In short, Plaintiff sues Defendants under the Minnesota Government Data Practices

Act (MGDPA) in connection with a data request he allegedly made on September 7, 2021. (See Compl., ¶¶ 7-9).

On May 5, 2025, Plaintiff mailed a copy of a complaint and request for waiver of summons to the Ramsey County Attorney's Office. (See Bacon Decl., Ex. A.). Defendants declined to waive service of the complaint pursuant to its regular practice.

Plaintiff personally served Defendants with a summons and complaint by courier on July 2, 2025. (See Affidavit of Personal Service, Index #3). In lieu of answering, Defendants timely served Plaintiff with a Notice of Motion and Motion to Dismiss by placing it in the mail on July 14, 2025. (See Notice of Mot. and Mot., Index #11; Aff. of Service, Index #12). In relevant part, this document stated that Defendants "will move the Court to dismiss the Complaint pursuant to Minn. R. Civ. P. 12.02(e)." *Id.* Plaintiff admits that Defendants served its motion on this date. (Mem. of Law., Index # 25, pg. 2).

Plaintiff filed this action with the Court on August 11, 2025 and filed his Motion for Default Judgment. (See Compl., Index #1, Not. of Mot., Index #6, Mem. in Support, Index #7). The same day, Defendants filed the accompanying exchanges that had occurred prior to Plaintiff filing the Complaint pursuant to Minn. R. Civ. P. 5.04(b). (See Indices # 11-15). The parties obtained a hearing date of October 1 for this motion, Plaintiff's motion for default judgment, and Defendants' motion to dismiss. (Notice of Remote Zoom Hearing, Index #16). Plaintiff filed the Notice of Motion, Motion for Sanctions, and Memorandum of Law with the Court on September 10, 2025. (See Indices # 25, 26).

ARGUMENT

A district court should deny a motion for a default judgment “when four requirements are met: defendant has a reasonable defense on the merits; defendant has a reasonable excuse for his failure to answer; defendant acted with due diligence after notice of the entry of judgment; and no substantial prejudice will result to other parties.” *Coller v. Guardian Angels Roman Catholic Church of Chaska*, 294 N.W.2d 712, 715 (Minn. 1980).

The main reason the Court should deny Plaintiff’s motion for default judgment is because the Defendants have not defaulted: they timely served a response to Plaintiff’s Summons and Complaint. Plaintiff served Ramsey County with a Summons and Complaint on July 2, 2025. (*See* Aff. of Personal Service, Index #3). Therefore, as Plaintiff correctly states, a response to the Summons and Complaint was due within 21 days, which would be July 23. *See* Minn. R. Civ. P. 12.01. Defendants did so by serving Plaintiff with a Notice of Motion and Motion to Dismiss under Minn. R. Civ. P. 12.02(e) on July 14, 2025. (*See* Notice of Mot. and Mot., Index #11; Aff. of Service, Index #12).

Regardless, Plaintiff argues that Defendants are in default because its motion does not count as a “meaningful response” to his Summons and Complaint and, while citing to Minn. R. Civ. P. 12.01, asserts that Defendants’ only possible response was to file an Answer. (*See* Mem. of Law, Index # 7, pg. 2). While Plaintiff is correct that Minn. R. Civ. P. 12.01 requires a defendant to answer a summons and complaint within 21 days of service, the rule also provides that “service of a motion permitted under this rule alters these periods of time.” *Id.* One such motion permitted by Rule 12 is a motion to dismiss

for “failure to state a claim upon which relief can be granted.” Minn. R. Civ. P. 12.02(e); *see also Kolosky v. Dahl*, No. A12-154, 2012 WL 3892234, at * 3 (Minn. App. Sept. 10, 2012) (ruling that defendant’s service of motion to dismiss under Minn. R. Civ. P. 12.01 tolled the time to answer complaint) (attached to Bacon Decl. as Exhibit B). In fact, the rule *requires* that a defendant raising this defense or certain other defenses do so by motion “before pleading if further pleading is permitted.” Minn. R. Civ. P. 12.02. This is the exact motion that Defendants have filed. Therefore, Defendants are not in default and the Court should dismiss Plaintiff’s motion on this basis alone.

Plaintiff nonetheless argues that he is entitled to default judgment because of alleged procedural deficiencies in Defendants’ Motion to Dismiss. Plaintiff first argues that Defendants’ motion is deficient because they did not “file” it on the same day it served it to him. But this was because there was no place to file it as Plaintiff had not yet filed his own complaint. Both the Court and Plaintiff¹ are aware that the first document filed in a lawsuit is the complaint. *See* Minn. R. Civ. P. 3.01 (providing that a civil action is not commenced until Plaintiff serves a summons and complaint), 5.04(a) (stating that any “action” not filed with the court within one year is deemed dismissed with prejudice) and any documents served after service of the summons and complaint are to be filed after the complaint is filed. Minn. R. Civ. P. 5.04(b). Defendants complied with the requirements of

¹ Plaintiff must know this because he is a frequent pro se litigator in state court. *See, e.g., Scheffler v. Lake Edward Township*, No. A20-1472, 2021 WL 2530635 (Minn. App. Jun. 21, 2021); *Scheffler v. Leventhal*, No. A20-1190, 2021 WL 961118 (Minn. App. May 26, 2021); *Scheffler v. Comm’r of Pub. Safety*, No. A15-0282, 2016 WL 22355 (Minn. App. Jan. 4, 2016).

Minn. R. Civ. P. 5.04(b) when it filed its documents the same day that Plaintiff filed his Summons and Complaint with the court. (*See* Indices #6-12).

Next, Plaintiff argues that Defendants failed to comply with Minn. R. Gen. P. 115.10 by not conducting a meet and confer prior to service of the motion, but the rule states that a meet and confer needs only to be completed “prior to the hearing.” Minn. R. Gen. P. 115.10. Defendants met and conferred with Plaintiff on August 20, 2025 about its impending Motion to Dismiss and filed the required certification with the Court on September 17. (*See* Meet and Confer Statement, Index #28). Plaintiff also argues that Defendants’ motion was deficient because it lacked the supporting documents listed in Minn. R. Gen. P. 115.03(a) when it was served. Again, Plaintiff is incorrect. Defendants complied with the briefing requirements of its motion by filing it at least 28 days before the hearing. Minn. R. Gen. P. 115.03(a); (*See* Notice of Remote Zoom Hearing (Setting October 1, 2025 as hearing date), Index #16; Mem. of Law, Index # 18 (filed September 3, 2025); Notice of Motion and Motion, Index #19 (filed same date)).

Plaintiff also points out that Defendants failed to include the disclaimer required under Minn. Stat. § 549.211, subd. 1. (Mem. of Law, Index # 7, pg. 3). This is true and Defendants apologize for this omission in its previous filings. The required disclaimer will be in this and future filings with the Court. Regardless, there is no case law stating, or even suggesting, that the omission of the disclaimer could be grounds for rendering the filing void so as to leave the door open for Plaintiff to be entitled to a default judgment.

Even if the Court were to determine that Defendants’ motion is not a “meaningful response” to Plaintiff’s summons and complaint, it should still deny Plaintiff’s Motion for

Default Judgment because Defendants have a reasonable defense to the action and Plaintiff will not suffer any prejudice from the Court's denial of his motion. *Coller*, 294 N.W.2d at 715. The basis of Defendants' motion is simple: Plaintiff's own allegations undermine Claims Two and Three of his Complaint. (*See* Mem. of Law, Index #18) and Plaintiff does not make any argument that denial of his motion will cause him any prejudice. Therefore, the Court should deny Plaintiff's motion.

CONCLUSION

For the foregoing reasons, the Ramsey County Defendants respectfully requests that this Court deny Plaintiff's Motion for Default Judgment.

JOHN J. CHOI
RAMSEY COUNTY ATTORNEY

Date: September 17, 2025

By: /s/ Brett Bacon
Brett Bacon (#0400776)
Assistant Ramsey County Attorney
360 Wabasha St. N., Suite 100
Saint Paul, MN 55102
651-627-5473
brett.bacon@co.ramsey.mn.us

Attorney for Defendants

Minn. Stat. § 549.211 Acknowledgement

The party or parties on whose behalf the attached pleading, motion, or paper is served acknowledge through their undersigned counsel that sanctions may be imposed pursuant to Minn. Stat. § 549.211.