

**STATE OF MINNESOTA
COUNTY OF RAMSEY****DISTRICT COURT
SECOND JUDICIAL DISTRICT**Troy Kenneth Scheffler,
Plaintiff,Court File Number: **62-CV-25-6308**

Case Type: Civil Other/Misc.

Judge: Laura Nelson

vs.

**PLAINTIFF'S MOTION TO
VACATE ORDER PURSUANT TO
MINN. R. CIV. P. 60.02
AND INCORPORATED
DECLARATIONS**Ramsey County,
Bob B. Fletcher, and
Tim Gulden,
Defendants.**MOTION**

Plaintiff Troy Scheffler respectfully moves this Court for an Order vacating the Order dated October 1, 2025, which denied Plaintiff's Motion for Default, denied Plaintiff's Motion for Sanctions, and granted Defendants' Motion to Dismiss Claims 2 and 3, pursuant to Minnesota Rule of Civil Procedure 60.02(a) (excusable neglect) and 60.02(d) (judgment is void).

GROUND FOR MOTION

1. Plaintiff did not appear at the October 1, 2025 hearing due to excusable neglect arising from:
 - a. Scheduling confusion where Plaintiff's calendar reflected a 2:00 PM hearing time based on the Court's initial proposed scheduling;
 - b. An extraordinary and unexpected emergency occurring the morning of the hearing.
2. The Order should be vacated because:
 - a. Plaintiff was denied his fundamental right to be heard on substantive motions he had fully briefed;

b. The Court issued dispositive rulings dismissing two of three claims without hearing from Plaintiff;

c. As a pro se litigant, Plaintiff should have been afforded every opportunity to be heard;

d. Plaintiff has meritorious arguments on all three motions that were decided without his input.

3. The procedural history shows legitimate confusion:

a. The Court's August 21, 2025 email initially proposed September 19, 2025 at 2:00 PM;

b. When alternative dates were offered, the 2:00 PM time remained in Plaintiff's calendar;

c. Defendants' Notice of Motion did not clarify the time change from the original proposal.

4. Defendants have engaged in a pattern of rule violations:

a. Failed to comply with Rule 26.06(a) conference requirements;

b. Refused to schedule the mandatory Rule 26 conference despite the initial due date for their Answer having passed on July 23, 2025;

c. As documented in emails dated September 24-25, 2025 (attached as Exhibit A), Defendants explicitly refused to comply with Rule 26 obligations;

d. These violations were part of Plaintiff's pending Motion for Sanctions that was decided without his input.

5. Plaintiff would have appeared but for the extraordinary circumstances described in the declarations below.

INCORPORATED DECLARATION OF TROY SCHEFFLER

I, Troy Scheffler, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 and Minn. Stat. § 358.116:

1. I am the Plaintiff in the above-captioned matter and make this declaration based on personal knowledge.
2. On August 21, 2025, I received an email from Sharon Ellertson, the Court's Civil Case Manager, proposing to schedule the hearing on the pending motions for "Friday, September 19, 2025 at 2:00 pm via Zoom."
3. When September 19 did not work for all parties, alternative dates were offered, but the 2:00 PM time from the original proposal remained in my phone calendar when I rescheduled.
4. I believed in good faith that the hearing was scheduled for October 1, 2025 at 2:00 PM based on my calendar entry.
5. On the morning of October 1, 2025, at approximately 7:00 AM, Brandon Bohn arrived unannounced at my home in Brainerd, Minnesota, having driven from Iowa overnight. I attach as Exhibit B a text message screenshot showing Mr. Bohn's message to me this morning confirming his arrival.
6. Mr. Bohn was in severe emotional distress due to domestic issues related to his pending divorce in Iowa, and needed immediate emergency housing.
7. I spent the entire morning from 7:00 AM onward helping Mr. Bohn, including:
 - a. Moving my entire home office to create living space for him;
 - b. Setting up a workspace so he could work remotely;
 - c. Addressing his immediate crisis needs;
 - d. Rearranging my home to accommodate an unexpected long-term guest.

8. Due to this emergency situation, I was unable to perform my normal morning routine of checking emails, documents, case prep, and otherwise confirming hearing times.

9. At approximately 12:59 PM on October 1, 2025, while preparing for what I believed was a 2:00 PM hearing, I discovered through communications that the hearing had been scheduled for 9:30 AM and had already occurred.

10. I had extensively and meticulously briefed all pending motions, investing substantial time and effort in:

- a. A comprehensive Motion for Default with supporting memorandum;
- b. A detailed Motion for Sanctions documenting Defendants' numerous procedural violations;
- c. Multiple reply briefs responding to Defendants' untimely and procedurally defective filings;
- d. The amount of briefing I submitted demonstrates my absolute commitment to this case and intention to appear.

11. I absolutely would have appeared at the hearing absent these extraordinary circumstances. But for Mr. Bohn's emergency arrival at 7:00 AM, I would have performed my normal routine of verifying the day's schedule and would have discovered any timing discrepancy. The emergency disruption prevented this verification process.

12. It is particularly egregious that the Court ruled on dispositive motions without me present given:

- a. Defendants filed three different versions of their motion (July 14, August 11, September 3);
- b. Defendants admitted violations of Minn. Stat. § 549.211 in their briefing;

c. Defendants have refused to comply with mandatory Rule 26 requirements for over 60 days;

d. I had comprehensively documented these violations in my Motion for Sanctions;

e. As a pro se litigant facing a government entity, I should have been given every opportunity to be heard.

13. The prejudice to me is severe and irreparable:

a. Two of my three claims were dismissed on the merits without any opportunity to argue;

b. My Motion for Default was denied despite Defendants' procedural violations;

c. My Motion for Sanctions was denied without addressing the documented rule violations;

d. The extensive work I put into briefing these motions was completely disregarded;

e. This was not a minor scheduling matter but DISPOSITIVE rulings that fundamentally alter my case.

14. I attach as Exhibit A the email exchange from September 24-25, 2025 showing Defendants' refusal to comply with Rule 26 conference requirements, which I was prepared to address at the hearing.

15. Had I been present, I would have also raised Defendants' ongoing Rule 26 violations, as they are over 60 days late on conducting the mandatory conference. I am filing a Motion to Compel today regarding these violations.

16. The causation is clear: But for the emergency with Mr. Bohn arriving at 7:00 AM, I would have verified my schedule and appeared. But for appearing, none of these adverse rulings would have been entered without my input.

17. I immediately began preparing this Motion to Vacate upon learning I had missed the hearing at 12:59 PM, demonstrating my diligence and good faith.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 1, 2025 at Brainerd, Minnesota.

Troy Scheffler

INCORPORATED DECLARATION OF BRANDON BOHN

I, Brandon Bohn, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 and Minn. Stat. § 358.116:

1. I make this declaration based on personal knowledge.
2. I am currently going through divorce proceedings in Iowa where I have been residing.
Case No: CDDM003711 Hamilton County
3. Due to urgent domestic issues related to my divorce, I needed to leave my residence in Iowa immediately.
4. On September 30, 2025, I left Iowa and drove through the night to Minnesota.
5. On October 1, 2025, at approximately 7:00 AM, I arrived unannounced at Troy Scheffler's residence in Brainerd, Minnesota.
6. I had not given Mr. Scheffler any advance notice that I would be arriving at his home.
7. I was in a state of emotional distress and needed immediate emergency housing and support.
8. Mr. Scheffler spent the entire morning helping me, including:

- a. Moving his home office to create space for me to stay;
 - b. Setting up a workspace so I could continue working remotely;
 - c. Rearranging his home to accommodate me as an unexpected guest;
 - d. Providing emotional support during my crisis.
9. Mr. Scheffler was actively engaged in helping me from approximately 7:00 AM through the late morning hours of October 1, 2025.
10. I can confirm that my unexpected arrival and crisis situation required Mr. Scheffler's immediate and sustained attention throughout the morning of October 1, 2025.
11. I can be reached at 319-252-2713 if the Court requires any clarification regarding these events.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 1, 2025 at Brainerd, Minnesota.

Brandon Bohn

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that this Court:


1. Vacate the Order dated October 1, 2025 in its entirety;
2. Reschedule the hearing on all pending motions (Motion for Default, Motion for Sanctions, Motion to Dismiss) with clear notice to all parties;

3. Allow Plaintiff to file and have heard his Motion to Compel regarding Defendants' Rule 26 violations at the same hearing;
4. Grant such other relief as the Court deems just and equitable.

ACKNOWLEDGMENT


Plaintiff Troy Scheffler hereby acknowledges that sanctions may be imposed under the circumstances set forth in Minn. R. Civ. P. 11.

Respectfully submitted,



Troy Scheffler
Plaintiff Pro Se
26359 Shandy Trail
Merrifield, MN 56465
(763) 225-7702
troyscheffler@gmail.com

Date: October 1, 2025



Brandon Bohn
2502 Inkpaduta Ave
Webster City, IA 50595
319-252-2713

Date: October 1, 2025

EXHIBITS:

- Exhibit A - Email chain between Plaintiff and Defendants regarding Rule 26 violations (September 24-25, 2025)
- Exhibit B - Text message screenshot from Brandon Bohn.(October 1, 2025)



Troy Scheffler <troyscheffler@gmail.com>

RE: Scheffler v Ramsey

1 message

Bacon, Brett <brett.bacon@co.ramsey.mn.us>
To: Troy Scheffler <troyscheffler@gmail.com>
Cc: RCAOCivilLitigation <rcaocivillitigation@co.ramsey.mn.us>

Thu, Sep 25, 2025 at 11:40 AM

Our position remains unchanged. We'll discuss again sometime after the court hears our motions.

Brett Bacon

Office of the Ramsey County Attorney, John J. Choi
651-627-5473

From: Troy Scheffler <troyscheffler@gmail.com>
Sent: Thursday, September 25, 2025 10:20 AM
To: Bacon, Brett <brett.bacon@co.ramsey.mn.us>
Subject: Re: Scheffler v Ramsey

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Actually the INITIAL due date is calculated upon service. You're speaking of a supposed tolled dated...which yours wasn't since you're client is in default.

The judicial council would have otherwise not used the operative term of initial.

-Troy

On Thu, Sep 25, 2025, 8:49 AM Bacon, Brett <brett.bacon@co.ramsey.mn.us> wrote:

Mr. Scheffler,

Minn. R. Civ. P. 26.06(a) provides that this conference must occur within 30 days from the initial due date for the Answer. Because our position is that our Answer is not yet due (because we filed a Motion to Dismiss), we plan on reaching out to you to schedule this conference shortly after the Court rules on the motions and we file an Answer.

Best,

Brett Bacon

Office of the Ramsey County Attorney, John J. Choi

651-627-5473

From: Troy Scheffler <troyscheffler@gmail.com>
Sent: Wednesday, September 24, 2025 8:41 PM
To: Bacon, Brett <brett.bacon@co.ramsey.mn.us>
Subject: Scheffler v Ramsey

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Report Suspicious

When do you want to schedule out Rule 26 conference? You're ungodly late on doing this and instead chose to burden and distract me with frivolous and vexatious motions.



Thanks,

-Troy

763-225-7702



MINNESOTA JUDICIAL BRANCH

  Brandon Bohn

Monday • 4:47 PM

You alive?

Yep 

Autumn steam sale


Yeah




I'm not sure anything interesting to me atm

7:11 AM

I'm in brainerd let me know when you are awake

7:11 AM 

 RCS message  