

**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 NOTICE OF MOTION
AND MOTION OF WITHDRAWAL
OF CERTAIN MOTIONS FILED
10/02/2025**Ramsey County,
Bob B. Fletcher, and
Tim Gulden,

Defendants.

NOTICE AND MOTION OF WITHDRAWAL OF MOTIONS

Plaintiff Troy Scheffler hereby withdraws the following motions:

1. Motion to Vacate Order dated October 1, 2025
2. Motion for Reconsideration of Order dated October 1, 2025

Plaintiff withdraws these motions in the interest of judicial economy and to focus on moving this case forward efficiently.

The motions filed October 1, 2025, following Plaintiff's absence from the hearing, were made in good faith while operating in an understandable panic mode after discovering the hearing had been missed due to an emergency. At that moment, seeking to vacate and reconsider seemed the appropriate path forward to address the situation. However, now that the dust has settled and Plaintiff has had time to see the bigger picture, it is clear that relitigating technical violations that constitute a very small portion of the overall complaint is not an efficient use of judicial resources.

While Plaintiff could argue excusable neglect for missing the October 1 hearing due to an emergency involving an unexpected arrival of a friend in crisis requiring immediate assistance, and while Plaintiff maintains that factual disputes are not properly resolved on a

Rule 12.02(e) motion to dismiss, Plaintiff will focus on prosecuting the remaining claim and addressing the discovery issues raised in the Motion to Compel filed October 1, 2025.

Plaintiff notes that under *Bunkowske v. Briard*, 461 N.W.2d 392 (Minn. Ct. App. 1990), courts must consider documents and materials already on file when ruling on dispositive motions, not merely oral arguments presented at a hearing. While Plaintiff believes the October 1 Order may not fully comply with *Bunkowske's* requirements given the extensive briefing on file, Plaintiff chooses to move forward rather than pursue this issue.

Notably, Defendants' own memoranda acknowledge that the data request underlying Claim 1 was made to the correct Responsible Authority, confirming the merit of Plaintiff's primary claim. With this acknowledgment and Claim 1 remaining active, the most productive path forward is to proceed with discovery rather than relitigate the dismissal of the minor statutory claims.

With Claim 1 remaining active and Defendants ordered to file their Answer within 10 days, Plaintiff believes the most productive path forward is to proceed with discovery on the remaining claim rather than relitigate the October 1, 2025 hearing.

Plaintiff's Motion to Compel Rule 26 Conference and for Sanctions, filed October 1, 2025, remains pending before the Court.

WHEREFORE, Plaintiff respectfully asks this Court to disregard and withdraw the Motion to Vacate Order dated October 1, 2025 and Motion for Reconsideration of Order dated October 1, 2025.

Plaintiff still intends on pursuing his Motion to Compel filed on October 1, 2025 with regard to the Defendants' continued indignant and vexatious disregard to rules and obstruction of discovery by refusing a mandatory Rule 26 conference.

Respectfully submitted,

/s/ **Troy Scheffler**

10/02/2025

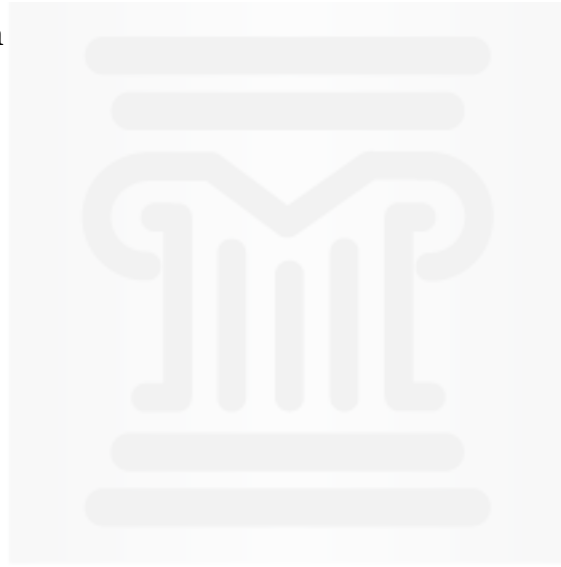
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