

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 OF LAW IN SUPPORT
OF MOTION TO DISMISS**

And

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

Defendants.

Ramsey County, Ramsey County Sheriff Bob. B. Fletcher, and former employee Tim Gulden (Defendants) respectfully request the Court to dismiss claims two and three of Plaintiff’s complaint because his factual allegations contradict the basis of those claims. Plaintiff’s Claim II alleges Defendants have failed to disclose the “Responsible Authority” for data practices requests made to the Sheriff’s Office. But he also alleges Sheriff Fletcher was the “Responsible Authority” at the time of his request and Ramsey County’s publicly available Data Practices policy states Sheriff Fletcher is still the Responsible Authority. Plaintiff’s Claim III alleges Defendants failed to make its Data Practices Policy publicly available. But he also provides a link of the then-applicable policy, and the current policy

is publicly available. Defendants are not moving to dismiss claim one and will file an Answer at a time and manner directed by the Court after ruling on this motion.

FACTUAL BACKGROUND

Plaintiff alleges the following in his Complaint. On September 7, 2021, Plaintiff emailed Sheriff Bob Fletcher and then-Commander Tim Gulden with a request for certain data under the Minnesota Government Data Practices Act (MGDPA). (Compl., ¶ 7). Plaintiff requested the following data:

- The number of acts of violence at the Minnesota State Fair in 2021;
- Disclosure of the racial demographics of the suspects involved in those alleged acts of violence;
- Any and all reports and 911 calls concerning “the mob attack at the Fair on 09/07/2021”;
- Disclosure of any policies and training with regard to “black violence occurring in Ramsey County, the State Fair, and the State at large, and the existential threat it poses against White people and any effort by the Sheriff to inform the public of the danger”;
- Disclosure of the “unwritten and written policies of downgrading crime”; and
- “[A]voiding writing reports and arrests altogether to artificially lower black crime” rates in Ramsey County.

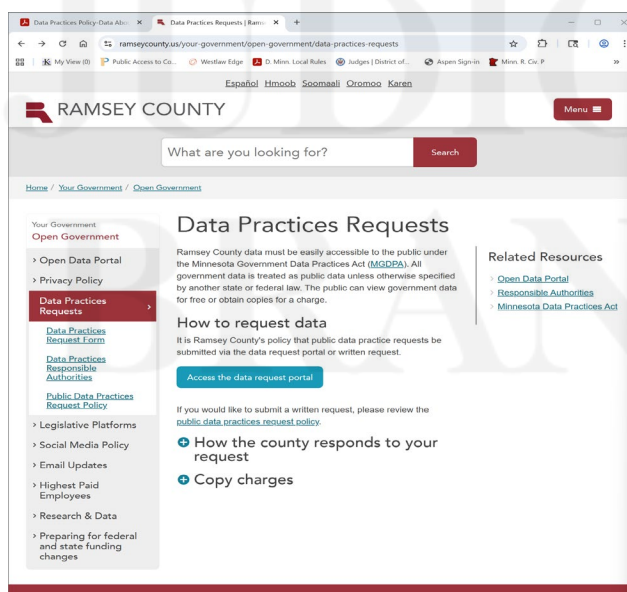
(*Id.*, ¶ 8). Plaintiff also “noticed” Defendants by allegedly writing the following:

Oh and don’t forget the “diversity” shootings and mob attacks on White people at the close of the last fair . . . Oh and then the [Black Lives Matter] storming of the Fair the year before . . . Etc[.] etc[.] etc[.] etc. 6% of the population and well over half of the murder[s], the vast majority of robber[ies], home invasions, etc.

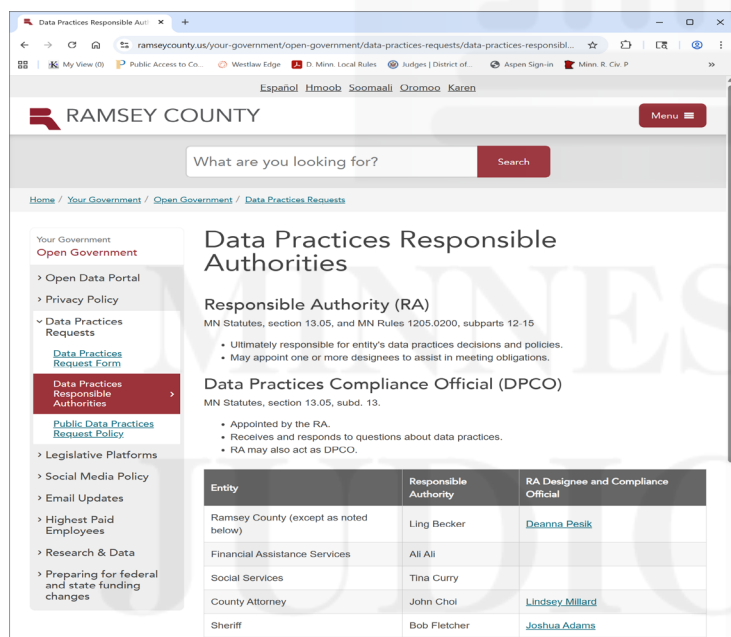
(*Id.*, ¶ 9). Defendant Gulden allegedly forwarded the email to Commander Roy Robbins the same day. (*Id.*, ¶¶ 11-12). Plaintiff alleged that he never received a response to his data requests. (*Id.*, ¶ 16).

On the day he made his alleged request, there was an existing “Data Practices Policy,” which stated that Sheriff Fletcher was the “Data Practices Responsible Official” and that Commander Gulden was the “Designee.” (*Id.* ¶ 13 (citing “Requests for Data About You and Your Rights as a Data Subject,” RAMSEY COUNTY SHERIFF, <https://www.ramseycounty.us/sites/default/files/Sheriff/Data%20Practices%20Policy-Data%20About%20You.pdf> (last visited Sept. 3, 2025)). Plaintiff also stated that Defendants “current Data Practices Policy states that Brooke Oachs is the Designee for the Sheriff’s Office but fails to disclose the Responsible Authority as required under [Minn.] Stat. [§] 13.025, subd. 2.” (*Id.*, ¶ 14).

Ramsey County maintains a public web portal with instructions on how to make Data Practices Requests under the MGDPA, a screenshot of which is below:



(See “Data Practices Requests,” RAMSEY COUNTY, <https://www.ramseycounty.us/your-government/open-government/data-practices-requests> (last visited Sept. 3, 2025)).¹ This website has hyperlinks that directs the user to find, among other things, Ramsey County’s current Data Practices Request policy and a list of “Responsible Authorities.” (*Id.*). The link for the “Responsible Authorities” page can be found on the right side of the screen under the “Related Resources” menu. (*Id.*). Clicking that link takes the user to the following page:



(“Data Practices Responsible Authorities,” RAMSEY COUNTY, <https://www.ramseycounty.us/your-government/open-government/data-practices-requests/data-practices-responsible-authorities> (last visited Sept. 3, 2025)). At the bottom

¹ Defendants request that the Court take judicial notice pursuant to Minn. R. Evid. 201(c) of the cited portions of the Ramsey County website as it is not subject to reasonable dispute within the meaning of Minn. R. Evid. 201(b). See *Casey v. County of Hennepin*, 27-cv-21-6165, 2022 WL 2070314, at *2 n.12 (Minn. Tax Jun 6, 2022) (taking judicial notice of existence and accuracy of Minnesota Tax Court website).

of the page, Sheriff Fletcher is listed as the “Responsible Authority” for data requests and Joshua Adams is listed as the “Designee and Compliance Official.” (*Id.*).

The link to Ramsey County’s current Data Practices Request Policy, is under the button titled “Access the data request portal” on the “Data Practices Request Page.” *See* “Data Practices Request Page.” Clicking that link takes the user to a copy of the current policy. (*See* “Public Data Practices Request Policy,” RAMSEY COUNTY, <https://www.ramseycounty.us/your-government/open-government/data-practices-requests/public-data-practices-request-policy> (last visited Sept. 3, 2025)).

PROCEDURAL BACKGROUND

Plaintiff originally mailed a copy of a complaint and request for waiver of summons to the Ramsey County Attorney’s Office that arrived on May 5, 2025. (*See* Bacon Decl., Ex. A.) Defendants declined to waive service of the complaint.

Plaintiff eventually personally served Defendants with a summons and complaint by courier on July 2, 2025. (*See* Affidavit of Personal Service, Index # 2). 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).

Plaintiff filed this action with the Court on August 11, 2025. (*See* Compl., Index #1). Defendants filed the accompanying exchanges that had occurred prior to Plaintiff filing the Complaint. (*See* Indices # 11-15).

LEGAL STANDARD

A civil complaint must be dismissed if it fails to state a claim upon which relief can be granted. Minn. R. Civ. P. 12.02(e). A complaint “shall contain a short and plain statement of the claim showing that the pleader is entitled to relief and a demand for judgment for the relief sought.” Minn. R. Civ. P. 8.01(a)(2). “The reviewing court must consider only the facts alleged in the complaint, accepting those facts as true and must construe all reasonable inferences in favor of the nonmoving party.” *Bodah v. Lakeville Motor Express, Inc.*, 663 N.W.2d 550, 553 (Minn. 2003).

“A claim is sufficient against a motion to dismiss for failure to state a claim if it is possible on any evidence which might be produced, consistent with the pleader's theory, to grant the relief demanded.” *Walsh v. U.S. Bank, N.A.*, 851 N.W.2d 598, 603 (Minn. 2014) (quotation omitted). However, “[a] claim fails . . . when the complaint does not set forth a legally sufficient claim for relief.” *Sterry v. Minnesota Dep't of Corr.*, 8 N.W.3d 224, 235 (Minn. 2024) (quoting *Walmart Inc. v. Winona Cnty.*, 963 N.W.2d 192, 196 (Minn. 2021)).

“Although some accommodations may be made for *pro se* litigants, . . . *pro se* litigants are generally held to the same standards as attorneys and must comply with court rules.” *Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. Ct. App. 2001). “The right to represent oneself in legal proceedings does not entitle a party to modification of procedural rules.” *Ronay v. Ronay*, 369 N.W.2d 12, 14 (Minn. Ct. App. 1985).

ARGUMENT

The basis of Defendants’ motion to dismiss claims two and three of Plaintiff’s complaint is simple: Plaintiff’s own allegations undermine his claims.

As to Claim Two, Plaintiff argues that Defendants violated Minn. Stat. § 13.025, subd. 2 because their current Data Practices Policy fails to disclose “the Responsible Authority.” (Compl., ¶¶ 37-40). This is not true. Sheriff Fletcher is clearly named as the Responsible Authority. *See* “Data Practices Responsible Authorities,” RAMSEY COUNTY, <https://www.ramseycounty.us/your-government/open-government/data-practices-requests> (last visited Sept. 3, 2025). Plaintiff also admits that Sheriff Fletcher was the Responsible Authority at the time he made the request. (*See* Compl., ¶ 13).

As to Claim Three, Plaintiff argues that “Defendants failed to make publicly available . . . a policy concerning the rights of data subjects under” Minn. Stat. § 13.025, subd. 3. (*Id.*, ¶¶ 41-43). Again, this is not true. Plaintiff included a hyperlink to Ramsey County’s Data Practices Policy that he said existed at the time he made his alleged Data Practices request. (*See id.*, ¶ 13). And the County’s current policy is publicly available. (“Public Data Practices Request Policy,” RAMSEY COUNTY, <https://www.ramseycounty.us/your-government/open-government/data-practices-requests/public-data-practices-request-policy> (last visited Sept. 3, 2025)). Therefore, the Court should dismiss Claims Two and Three.

Despite Plaintiff’s pro se status, the Court should not grant him leave to amend these claims. “After a responsive pleading has been served, a plaintiff may amend the complaint ‘only by leave of court or by written consent of the adverse party,’ and ‘leave shall be freely given when justice so requires.’” *U.S. Bank Nat’l Assn. v. RBP Realty, LLC*, 888 N.W.2d 699, 705 (Minn. 2017) (quoting Minn. R. Civ. P. 15.01). However, the court may deny

leave to amend when amending “would serve no useful purpose.” *Bridgewater Tel. Co. v. City of Monticello*, 765 N.W.2d 905, 915 (Minn. App. 2009).

There would be no useful purpose for amendment here because Plaintiff’s existing pleadings clearly show that at all relevant times Ramsey County held out Sheriff Fletcher as the “Responsible Authority” and had a publicly available Data Practices Policy. Plaintiff even includes the hyperlinks for the pages that displayed this information at the time he made his request. (*See* Compl., ¶ 13).

CONCLUSION

For the foregoing reasons, the Ramsey County Defendants respectfully requests that this Court dismiss Plaintiff’s Complaint pursuant to Minn. R. Civ. P. 12.02(e).

JOHN J. CHOI
RAMSEY COUNTY ATTORNEY

Date: September 3, 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