

**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.

**MEMO IN SUPPORT FOR MOTION
FOR SANCTIONS AGAINST
DEFENDANT RAMSEY COUNTY**

Ramsey County,
Bob B. Fletcher, and
Tim Gulden,
Defendants.

INTRODUCTION

Defendant Ramsey County has engaged in a calculated pattern of bad faith litigation conduct that warrants the imposition of sanctions under Minnesota Rule of Civil Procedure 11. After ignoring Plaintiff's waiver of service and failing to timely respond to the Summons and Complaint, Ramsey County orchestrated a two-stage delay scheme: first serving a procedurally impossible "motion to dismiss" in July 2025, then filing the same deficient motion with the court in August 2025—proving they knew proper procedure all along but chose delay tactics. This sanctionable conduct requires meaningful deterrence.

STATEMENT OF FACTS

A. Background Litigation and Service

1. On May 2, 2025, Plaintiff served Defendant Ramsey County with a waiver of summons under Minn. R. Civ. P. 4.05, which Defendant ignored.
2. On July 2, 2025, Defendant Ramsey County was personally served with the Summons and Complaint via process server at Plaintiff's cost of \$50.

3. Under Minn. R. Civ. P. 12.01, Defendant was required to serve a responsive pleading within 21 days, making any response due by July 23, 2025.

4. This case began as a "pocket filed" action—served on defendants before being filed with the court, as permitted under Minnesota law.

B. The July 2025 Procedurally Impossible "Motion"

5. On July 14, 2025—only nine days after their response deadline expired—Ramsey County served but deliberately did not file a document titled "Notice of Motion and Motion to Dismiss Plaintiff's Complaint."

6. This "motion" was legally impossible under Minnesota pocket filing procedure because you cannot bring motions in unfiled cases. The standard and universally accepted procedure when defendants wish to file motions in pocket filed cases is to file the case with the court first, then file the motion.

7. This July "motion" violated every procedural requirement for dispositive motions under Minnesota Rule of General Practice 115, as detailed below.

8. Despite promising that the motion "will be supported by a memorandum of law and affidavits will be filed and served in accordance with the deadline contained in the Minnesota Rules," Ramsey County never filed this motion with any court.

C. The August 2025 Proof of Bad Faith

9. On August 11, 2025, Ramsey County finally filed the identical motion with the court under case number 62-CV-25-6308, proving they knew the proper procedure all along.

10. This August filing demonstrates that their July conduct was pure delay tactics—they were fully capable of following proper procedure but chose not to for nearly a month.

11. Even when properly filed in August, the motion continued to violate Rule 115 requirements (no memorandum of law, no meet and confer, no compliance with timing requirements).

D. Pattern of Systematic Non-Compliance

12. Defendant Ramsey County has willfully ignored every opportunity to comply with court rules: (a) ignoring the waiver of service; (b) failing to timely respond to the Summons and Complaint; (c) serving a legally impossible "motion" in July; and (d) filing a procedurally deficient motion in August.

ARGUMENT

I. DEFENDANT RAMSEY COUNTY'S CONDUCT VIOLATES RULE 11

Minnesota Rule of Civil Procedure 11.02 requires that by presenting any document to the court, an attorney certifies that:

(a) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(b) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law...

Minnesota Statutes § 549.211, subdivision 2, establishes substantially identical standards, as recognized by the Minnesota Advisory Committee. Ramsey County's conduct violates both the Rule 11.02 certifications and the parallel statutory standards through their orchestrated delay scheme.

A. Improper Purpose: Calculated Delay and Harassment

Ramsey County's conduct demonstrates a clear pattern of delay and harassment:

1. Strategic Timeline of Obstruction

- May 2025: Ignored waiver of service
- July 23, 2025: Response deadline expired without filing
- July 14, 2025: Served legally impossible "motion"
- August 11, 2025: Filed proper motion only after facing default

2. Proof of Bad Faith Intent

The August filing proves Ramsey County knew proper procedure all along. They were fully capable of filing the case and bringing a compliant motion in July but chose delay tactics instead. This demonstrates the July "motion" was presented solely for the improper purpose of delay.

3. Legal Impossibility as Harassment

Serving a "motion" that cannot legally be brought in an unfiled case constitutes harassment by creating procedural confusion and forcing Plaintiff to respond to a legally meaningless document.

B. No Legal Warrant: Multiple Violations of Established Law

Ramsey County's conduct lacks warrant in existing law on multiple levels:

1. Violation of Pocket Filing Procedure

Under Minnesota law, when a case is pocket filed, defendants cannot bring motions until the case is filed with the court. Ramsey County's July "motion" was legally impossible and demonstrated complete ignorance of basic Minnesota civil procedure.

2. Complete Violation of Rule 115 Requirements

Both the July and August motions violated every requirement of Minnesota Rule of General Practice 115 for dispositive motions:

- Rule 115.02 - Hearing Date Required: Both motions state they will be heard "on a date and time to be determined," proving defendants failed to obtain hearing dates as required.
- Rule 115.03(a) - Required Documents: Rule 115.03(a) requires four documents at least 28 days before hearing: (1) Notice of motion; (2) Proposed order; (3) Affidavits and exhibits; and (4) Memorandum of law. Ramsey County provided only bare notices with no memoranda, no proposed orders, and no supporting affidavits.
- Rule 115.10 - Meet and Confer: Rule 115.10 mandatorily requires parties to "make appropriate efforts to resolve motion disputes before hearing with the court." Ramsey County made no attempt to meet and confer with Plaintiff before serving their motion.
- Filing Requirement: Rule 115.03(a) requires filing documents with the court administrator. Ramsey County only served their July motion on Plaintiff but never filed it with the Court, demonstrating they never intended to pursue it in good faith.
- Required Disclaimers: Ramsey County failed to include the disclaimer required under Minn. Stat. § 549.211, subdivision 1.

3. Frivolous Substantive Claims

Any Rule 12.02(e) motion to dismiss would be completely frivolous. Plaintiff's MGDPA claims are straightforward statutory violations with clear elements: specific data requests, willful noncompliance for over four years, and clear violations of disclosure requirements. No competent attorney could reasonably believe these well-pleaded statutory claims would be subject to dismissal under Rule 12.02(e).

C. No Reasonable Inquiry

Rule 11.02 requires counsel to conduct "an inquiry reasonable under the circumstances." The complete failure to comply with basic motion practice rules demonstrates counsel made

no reasonable inquiry into the applicable procedural requirements. As stated in *Collins v. Waconia Dodge, Inc.*, 793 N.W.2d 142, 145 (Minn. App. 2011), Rule 11 prescribes "an affirmative duty" on counsel "to investigate the factual and legal underpinnings of a pleading."

II. RAMSEY COUNTY CANNOT INVOKE SAFE HARBOR PROTECTION

Under *Carlson v. Fiduciary Foundation*, No. A23-1371, 2024 WL 3259142 (Minn. Ct. App. July 1, 2024), withdrawal of sanctionable conduct must be "clear and unequivocal" to invoke safe harbor protection. The Minnesota Court of Appeals emphasized that "cagey" or equivocal responses do not satisfy the safe harbor requirements.

Here, Ramsey County has not withdrawn or corrected their sanctionable conduct. The deficient motion remains served, and Ramsey County has made no attempt to file a compliant motion or acknowledge their procedural violations.

III. SANCTIONS ARE WARRANTED AND NECESSARY FOR DETERRENCE

Rule 11.03(b) provides that sanctions "shall be limited to what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated."

A. Deterrence is Essential

As the Carlson court noted, "without proper deterrence," repeat offenders may continue to pursue frivolous conduct. Here, Ramsey County's pattern of ignoring court procedures—from waiver of service to response deadlines to motion practice rules—demonstrates that meaningful sanctions are necessary to deter future misconduct.

B. Nature of Appropriate Sanctions

Pursuant to Rule 11.03(b), appropriate sanctions include:

1. Attorney Fees and Costs: Ramsey County and the Ramsey County Attorney's Office should be required to pay Plaintiff's reasonable attorney fees and costs incurred as a direct result of their sanctionable conduct, including fees for responding to the deficient motion and bringing this sanctions motion.
2. Process Server Costs: The \$50 cost of personal service resulted directly from Ramsey County's refusal to accept the waiver of service.
3. Joint Responsibility: Under Rule 11.03(a)(1), "Absent exceptional circumstances, a law firm shall be held jointly responsible for violations committed by its partners, associates, and employees." Here, both Brett Bacon individually and the Ramsey County Attorney's Office as his employing law firm should be held jointly responsible for these violations.
4. Other Appropriate Relief: The Court should order Ramsey County and its counsel to comply with all applicable court rules in future filings and provide any other relief the Court deems just.

IV. RAMSEY COUNTY LACKS ANY OBJECTIVELY REASONABLE BASIS

Under *Gibson v. Coldwell Banker Burnet*, 659 N.W.2d 782, 787 (Minn. App. 2003), sanctions should not be imposed when an attorney has "an objectively reasonable basis for pursuing a factual or legal claim." Here, Ramsey County cannot claim any objectively reasonable basis for:

1. Ignoring waiver of service procedures
2. Missing response deadlines
3. Filing a motion that violates every Rule 115 requirement
4. Failing to meet and confer
5. Never filing the motion with the Court

No competent attorney could reasonably believe that a "motion" lacking a memorandum of law, proposed order, hearing date, and meet-and-confer compliance would be acceptable under Minnesota court rules.

CONCLUSION

Ramsey County's conduct represents exactly the type of "substantial departure from acceptable litigation conduct" that warrants sanctions under Minnesota law. See *Uselman v. Uselman*, 464 N.W.2d 130 (Minn. 1990). Their pattern of ignoring court procedures, culminating in a procedurally deficient "motion" that violates every Rule 115 requirement, demonstrates bad faith litigation conduct that must be deterred.

For the reasons stated herein, Plaintiff respectfully requests that the Court impose appropriate sanctions against Defendant Ramsey County, including reasonable attorney fees, costs, and such other relief as the Court deems just.

ACKNOWLEDGMENT

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

Respectfully submitted,

/s/ Troy Scheffler

Date: 09/08/2025

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