

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

Kellye Strickland,

Plaintiff,

v.

Civil No. 25-cv-02056 (DWF/DJF)

Ramsey County, et al.,

Defendants.

**PLAINTIFF’S MEMORANDUM IN OPPOSITION TO RAMSEY COUNTY DEFENDANTS’
MOTION TO DISMISS**

INTRODUCTION

Defendants Ramsey County and Deputy Corina Loya move to dismiss on six grounds: (1) improper service; (2) that Ramsey County is not liable for judicial personnel; (3) qualified immunity for Deputy Loya; (4) failure to plead a *Monell* claim; (5) collateral estoppel based on a recent state order; and (6) conclusory pleading under *Twombly/Iqbal*. None has merit.

Plaintiff timely perfected service within the Court’s extended Rule 4(m) deadline, rendering Defendants’ service objection moot. Plaintiff does not attempt to hold Ramsey County liable for judicial rulings, but rather for systemic misconduct within its own sphere: unauthorized disclosures of confidential information, document tampering, ADA retaliation, and obstruction of access to the courts. Plaintiff’s Amended Complaint and evidentiary submissions detail these practices with hundreds of pages of supporting exhibits.

The misconduct is not limited to past events—it is ongoing. On September 2, 2025, Plaintiff received her state-court HRO appeal packet returned without the enclosed filing fee money order, a further

example of irregular handling designed to frustrate access to appellate review. This incident confirms the continuing pattern of obstruction and retaliation that necessitates federal jurisdiction.

Deputy Loya is not entitled to qualified immunity at the pleading stage because Plaintiff alleges deliberate indifference and constitutional injury, not mere negligence. Collateral estoppel does not bar these claims; Judge Starr's August 19, 2025 order addressed only personal service in a state HRO proceeding, not federal claims of systemic retaliation, ADA violations, and record tampering. And Plaintiff's 77-page Amended Complaint, supported by transcripts, notices, affidavits, and altered orders, goes far beyond "labels and conclusions."

Dismissal is improper.

ARGUMENT

I. SERVICE OF PROCESS WAS TIMELY AND PROPER

On July 22, 2025, Magistrate Judge Foster granted Plaintiff an extension until September 8, 2025 to perfect service under Rule 4(m). (ECF 8).

On Wednesday, August 6, 2025 at 10:30 a.m., Plaintiff called the Ramsey County Attorney's Office and confirmed that they are authorized to accept summons via certified mail, signature required, on behalf of Ramsey County in a federal civil rights claim.

On August 11, 2025, Ramsey County was served via certified mail, signature required. Plaintiff promptly filed proof of service with this Court on August 19, 2025, and the PACER docket automatically issued Ramsey County's response deadline as September 2, 2025.

On September 2, 2025, Assistant County Attorney Brett Bacon entered an appearance on behalf of both Ramsey County and Deputy Loya, and simultaneously filed a motion to dismiss. At that time, service

on Deputy Loya had not yet been perfected due to a process server's error. Bacon raised improper service as a basis for dismissal despite being aware that Plaintiff still had six days remaining before the Court's September 8 deadline to cure service under Rule 4(m).

Plaintiff immediately rehired the process server at great personal expense to personally serve both the Ramsey County Attorney's Office and Deputy Loya before the Court's September 8 deadline. This demonstrates Plaintiff's extreme diligence and willingness to go to extraordinary lengths to comply with the rules.

Defendants' improper service argument is therefore moot. Courts consistently hold that defects cured within the Rule 4(m) period do not warrant dismissal, particularly for pro se litigants. *Adams v. AlliedSignal Gen. Aviation Avionics*, 74 F.3d 882, 887 (8th Cir. 1996); *Moore v. Jackson*, 123 F.3d 1082, 1087 (8th Cir. 1997).

It is especially inappropriate for Defendants to raise "improper service" as the centerpiece of their dismissal argument where Plaintiff's federal claims themselves arise out of a systemic denial of due process through defective service in state proceedings. To waste this Court's time on an objection already cured within the Court's extension underscores the obstructive nature of Defendants' litigation tactics.

II. RAMSEY COUNTY IS A PROPER DEFENDANT UNDER MONELL

Defendants attempt to dismiss Ramsey County by mischaracterizing Plaintiff's claims as an attack on state-court judges and staff. It is true that Minn. Stat. § 480.181 designates judicial officers and their direct staff as state employees. Plaintiff has never alleged otherwise. The claims against Ramsey County are not about judicial rulings; they are about the County's own policies, customs, and failures of oversight that enabled systemic constitutional violations.

The Amended Complaint and subsequent evidentiary submissions identify a pattern of coordinated misconduct between county, state, and private actors, including:

Disclosure of Plaintiff's confidential home address by Ramsey County law enforcement personnel, followed by retaliatory harassment of Plaintiff's family. (Am. Compl. ¶¶ 52–55).

Refusal to provide ADA accommodations and retaliatory treatment of disability requests by county personnel, in direct violation of Title II of the ADA and Section 504 of the Rehabilitation Act. (Am. Compl. ¶¶ 93–105; Notice of Ongoing Obstruction).

Circulation of falsified court documents, including unsigned orders, later “countersigned” or retroactively altered orders, and a July 14, 2025 hearing notice reissued with a falsified “Filed July 24” stamp and blacked-out metadata block — after litigation hold notices had been served. These documents were not contained to state files but were subsequently funneled by counsel into the federal record, showing deliberate laundering of false instruments across jurisdictions.

Procedural obstruction and stigmatizing mailings, such as deliberate use of “Domestic Abuse/Harassment Office” return labels after that practice had been corrected, calculated to punish and humiliate Plaintiff in her housing community.

Estoppel-laundering strategy, whereby Ramsey County counsel relied on memoranda drafted by private counsel (BGS/Manderfeld) to tether the County's defense to state-level misrepresentations, importing those filings directly into federal court.

These actions are not isolated missteps. They reflect an entrenched system in which County officials and their agents coordinate with state judicial personnel and private firms to obstruct access, falsify records, and shield those acts by laundering them into the federal docket. This constitutes an official “policy or custom” under *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 694 (1978). A municipality is liable under § 1983 when its policies or established practices cause constitutional deprivations. See *Reasonover v. St. Louis Cnty.*, 447 F.3d 569, 582–83 (8th Cir. 2006).

The systemic nature of these failures is documented in Plaintiff's Notices Regarding Ongoing Obstruction of Access to the Court, Altered Court Documents, and Collusion, which together demonstrate a deliberate pattern of tampering, obstruction, and retaliation. Ramsey County cannot disclaim responsibility by pointing to "employees" or private contractors while actively coordinating across agencies and firms to preserve and extend constitutional violations.

Defendants cannot reduce Plaintiff's 77-page Amended Complaint to dissatisfaction with an HRO. The pleading compiles hundreds of pages of transcripts, docket entries, affidavits, and notices evidencing not just procedural error, but a deliberate cross-institutional scheme to deny Plaintiff due process. That is exactly the kind of systemic misconduct *Monell* liability was designed to address.

A. Laundering of Falsified Documents into the Federal Record

Perhaps the most serious example of Ramsey County's unconstitutional "policy or custom" is the deliberate laundering of falsified documents across state and federal proceedings. This was not the work of a rogue clerk or a single attorney error. It required — and demonstrates — systematic coordination between county officials, state judicial personnel, and private counsel (BGS/Manderfeld).

The evidentiary record establishes that:

1. Reissued Hearing Notice with Altered Metadata. On July 14, 2025, Ramsey County issued a hearing notice. Ten days later, Plaintiff received a materially altered version, falsely stamped "Filed July 24" with the metadata block blacked out. This altered notice was bundled together with Plaintiff's own filings despite the fact that litigation hold notices had been served on July 10 and July 17. (See Plaintiff's *Notice Regarding Altered Court Documents*, Exs. D–F).
2. Unsigned and "Countersigned" Orders. Ramsey County court personnel circulated multiple unsigned orders, later "countersigned" or retroactively altered to appear valid. Plaintiff's exhibits document at least twelve such irregular orders, several of which bear signatures added post hoc. (*Notice Regarding Altered Court Documents*, Exs. A–C, H–J).

3. Importation into Federal Docket. On September 2, 2025, Assistant County Attorney Brett Bacon filed a Motion to Dismiss in this case (ECF No. 24) that attached as exhibits Manderfeld’s collateral-estoppel filings and appearance papers from the HRO matter — despite the fact that Manderfeld is not his client. By doing so, Bacon directly imported the tainted state-court record into this Court’s docket, tethering Ramsey County’s defense to the very documents Plaintiff has shown were falsified. (See Plaintiff’s *Notice of Obstruction and Collusion*, Exs. B, E, F).

This laundering strategy has two effects:

1. It corrupts the evidentiary record by embedding falsified state materials into the federal case, forcing this Court to wade through tainted documents.
2. It institutionalizes obstruction by creating an official-looking but false “paper trail” that Defendants can later cite as if it were valid.

Courts have long recognized that *Monell* liability attaches where a municipality’s systemic practices cause or perpetuate constitutional harm. See *Reasonover v. St. Louis Cnty.*, 447 F.3d 569, 582–83 (8th Cir. 2006). Here, Ramsey County’s role was not passive; its personnel and counsel actively participated in and benefitted from a pattern of falsification and concealment. The fact that these altered records were carried across jurisdictions and into federal court underscores the scope of the misconduct and the deliberate nature of the coordination.

III. DEPUTY LOYA IS NOT ENTITLED TO QUALIFIED IMMUNITY

Qualified immunity does not shield officials who violate “clearly established statutory or constitutional rights of which a reasonable person would have known.” *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982). At the pleading stage, the Court must accept Plaintiff’s allegations as true and may not dismiss where those allegations plausibly describe deliberate indifference or affirmative misconduct.

The Amended Complaint alleges that Deputy Loya, acting under color of law:

1. Failed to provide meaningful notice of the HRO on February 3, 2025, despite knowing Plaintiff was unaware of its existence. (Am. Compl. ¶¶ 49–51).
2. Disclosed Plaintiff’s residential address, which was not previously known to the petitioner, after which harassing mail was directed to Plaintiff’s husband at that location. (Am. Compl. ¶¶ 52–54).
3. Disregarded Plaintiff’s documented disabilities, refusing to provide clarification after service and instead telling her only to “read the order and get a lawyer.” (Am. Compl. ¶ 54).

These allegations describe more than negligence. They set forth a pattern of deliberate indifference to notice, privacy, and ADA rights, in violation of Plaintiff’s clearly established rights to due process and meaningful court access. See *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974) (qualified immunity does not protect officials who act in bad faith or with reckless disregard of constitutional rights); *Kelsay v. Ernst*, 933 F.3d 975, 979–80 (8th Cir. 2019) (en banc) (qualified immunity unavailable where conduct violates clearly established law).

Because the Amended Complaint alleges facts that, if true, show constitutional injury caused by Deputy Loya’s deliberate indifference, dismissal on qualified immunity grounds is inappropriate at this stage.

IV. COLLATERAL ESTOPPEL DOES NOT APPLY

Defendants rely heavily on Judge Starr’s August 20, 2025 order, but it cannot preclude Plaintiff’s federal claims. Collateral estoppel requires that the issue be identical, that there be a final judgment on the merits, and that the party had a full and fair opportunity to be heard. *Ellis v. Minneapolis Comm’n on Civil Rights*, 319 N.W.2d 702, 704 (Minn. 1982). None of these conditions is satisfied here.

Plaintiff's claims address ADA violations, systemic obstruction, document tampering, and retaliation—issues never litigated in the narrow HRO proceeding. The December 12, 2024 HRO itself was void for lack of service, and subsequent “countersigned” orders were altered. At the May 23, 2025 hearing, Referee Larmouth expressly barred Plaintiff from presenting evidence of non-service, declaring: “This is not an evidentiary hearing.” A forum that refuses to admit service evidence cannot later claim the issue was fully litigated. *Gibson v. Berryhill*, 411 U.S. 564, 577 (1973).

Attorney Bacon's exhibits underscore the problem. He points to Defendant Manderfeld's Notice of Appearance, but that filing is purely clerical. Plaintiff included it only to highlight the suspicious timing of Manderfeld's entry into the HRO case—three days after Ramsey County was served in federal court. It proves nothing substantive. Bacon also submitted a newly created list of Plaintiff's state motions. Judicial notice may establish that filings exist, but not to attack a party's credibility or treat disputed characterizations as fact. *United States v. Jones*, 29 F.3d 1549, 1553 (11th Cir. 1994).

Collateral estoppel cannot be used to ratify altered orders, retroactive judicial assignments, or bad-faith obstruction. Where the prior forum denied Plaintiff the chance to present evidence and Defendants now misuse records to inflate their motion, the doctrine does not apply.

V. PLAINTIFF'S COMPLAINT SATISFIES TWOMBLY AND IQBAL

Defendants' claim that the Amended Complaint is conclusory is unfounded. The pleading spans 77 pages, is supported by more than 200 pages of exhibits, and incorporates sworn affidavits, sheriff's returns of non-service, hearing transcripts, docket entries, and copies of altered or unsigned orders later retroactively “countersigned.” This is not “labels and conclusions,” but detailed factual matter.

The Amended Complaint alleges, among other things: (1) the February 3, 2025 interaction with Deputy Loya, her collection and disclosure of Plaintiff's confidential address, and the retaliatory mail that

followed; (2) four separate failed service attempts in 2024 and a December 12, 2024 HRO issued without jurisdiction; (3) documented tampering, including a reissued hearing notice with a falsified “Filed July 24” date; (4) ongoing obstruction of access to the courts, including delayed notice of orders and selective docketing; and (5) repeated ADA retaliation and denial of accommodations.

Each allegation is tied to exhibits already before the Court. Taken together, they plausibly allege violations of due process, equal protection, the ADA, and the Rehabilitation Act, and they establish a Monell claim based on entrenched Ramsey County practices. Construed liberally, as required for pro se pleadings, these facts more than satisfy the plausibility standard.

VI. SYSTEMIC MISCONDUCT AND RETALIATION

Defendants attempt to frame Plaintiff’s claims as mere dissatisfaction with a single state-court order. The record tells a very different story. Plaintiff has documented, and continues to experience, a sustained pattern of misconduct by Ramsey County officials and their collaborators that goes far beyond the issuance of an HRO.

First, altered documents and falsified metadata. Plaintiff’s *Notice Regarding Altered Court Documents* identifies at least seven unsigned orders later “countersigned” or altered without notation, including a July 14, 2025 hearing notice reissued on July 24, 2025 with a falsified file date and a blacked-out metadata block. These alterations occurred after litigation-hold notices had been served, demonstrating ongoing tampering in defiance of preservation obligations.

Second, retroactive judicial assignments. As documented in Plaintiff’s *Notice Regarding Ongoing Obstruction of Access to the Court*, Judge Nicole Starr was suddenly assigned in August 2025, and the electronic case-management system was retroactively modified to list her as presiding over hearings

she never attended. This was not a neutral administrative correction but an after-the-fact cover-up of irregular assignments intended to insulate defective orders from scrutiny.

Third, denial and retaliation in response to ADA requests. Plaintiff's Amended Complaint and *Notice Regarding Obstruction* show that repeated requests for basic accommodations—including communication by email instead of phone due to panic attacks—were mocked, mischaracterized, and denied. Rather than engage in the interactive process required by the ADA, county officials used Plaintiff's requests as grounds for stigma, further exclusion from records, and retaliatory treatment.

Fourth, collusion between private counsel and county officials. Plaintiff's evidence shows coordination between opposing counsel and county actors at key junctures. On August 14, 2025, Defendant Manderfeld filed a last-minute collateral-estoppel memorandum on the same day the Attorney General's Office appeared, followed almost immediately by Judge Starr's August 19 order adopting estoppel. Plaintiff's email chain with Assistant County Attorney Bacon further demonstrates that he was functionally involved before filing his formal notice of appearance. These overlapping events support the inference of a coordinated strategy rather than independent adjudication.

Fifth, obstruction of appellate remedies. On September 2, 2025, Plaintiff received her state-court HRO appeal packet returned without the enclosed \$550 money-order filing fee. This irregularity mirrors the same pattern of obstruction already detailed in this record: filings mishandled, altered, or suppressed in ways that prevent meaningful review. Even when Plaintiff complied with prescribed procedure, state mechanisms were used to frustrate appellate remedies—reinforcing that federal jurisdiction is the only forum in which constitutional rights can be vindicated.

Taken together, these actions demonstrate systemic misconduct and retaliation against Plaintiff for filing this federal civil-rights action. They are not “judicial acts” entitled to immunity. The Supreme Court has long distinguished between protected judicial decision-making and administrative or retaliatory misconduct. *Forrester v. White*, 484 U.S. 219, 229 (1988) (employment retaliation not

protected by judicial immunity). Here, the conduct at issue—document alteration, retroactive assignments, denial of accommodations, collusion, and obstruction of appellate remedies—falls squarely in the latter category.

Federal courts exist to provide relief when state actors weaponize procedure to obstruct access to justice. Plaintiff's allegations describe precisely the kind of bad-faith, unconstitutional conduct that supports federal jurisdiction and defeats Defendants' reliance on abstention or immunity doctrines.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court deny Ramsey County Defendants' Motion to Dismiss in its entirety. Defendants' arguments rest on procedural quibbles and mischaracterizations of the Amended Complaint, while ignoring the hundreds of pages of factual material demonstrating systemic misconduct, retaliation, and constitutional violations.

Should the Court determine that any portion of the pleading is deficient, Plaintiff requests that dismissal be without prejudice and with leave to amend, consistent with the liberal amendment standards afforded to pro se litigants.

Request for Oral Argument:

Pursuant to D. Minn. LR 7.1(h), Plaintiff respectfully requests oral argument. Given the interplay among *Monell* liability, qualified immunity, collateral estoppel, and the ongoing record-integrity and ADA-access issues documented here, oral presentation will assist the Court in addressing the factual context and legal standards that are not fully captured on the papers.

Dated: September 03, 2025

Respectfully submitted,

/s/ Kellye Strickland

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