

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Free Minnesota Small Business Coalition,
 Representative Steve Drazkowski,
 Representative Jeremy Munson,
 Representative Cal Bahr, Representative
 Time Miller, Southwest School of Dance,
 L.L.C., Trev’s Kitchen, Prestige
 Gymnastics, Yoga by Blisstopia LLC, Title
 Boxing Club Coon Rapids, Title Boxing
 Club Arden Hills, Title Boxing Club
 Rogers, Duff’s LLC d/b/a Duff’s Bar and
 Grill, Flaherty’s Arden Bowl, Inc., Three
 Rivers Fitness,

Petitioners,

vs.

Tim Walz, Governor of Minnesota,

Respondent.

Court File No.: 62-CV-20-3507

Case Type: Civil – Other/Misc.

ORDER TO SHOW CAUSE

TO: TIM WALZ, THE 41ST GOVERNOR OF THE STATE OF MINNESOTA

Petitioners Free Minnesota Small Business Coalition, Representative Steve Drazkowski, Representative Jeremy Munson, Representative Cal Bahr, Representative Time Miller, Southwest School of Dance, L.L.C., Trev’s Kitchen, Prestige Gymnastics, Yoga by Blisstopia LLC, Title Boxing Club Coon Rapids, Title Boxing Club Arden Hills, Title Boxing Club Rogers, Duff’s LLC d/b/a Duff’s Bar and Grill, Flaherty’s Arden Bowl, Inc., Three

Rivers Fitness, (“Petitioners”) through their attorney Erick G. Kaardal, seek issuance of a Writ of Quo Warranto upon Respondent Tim Walz, Governor of Minnesota.

After the Petition was filed, the court conducted a Zoom conference with counsel on June 5, 2020. Petitioners were represented by Attorney Erick Kaardal. Respondent was represented by Assistant Attorneys General Christina Brown and Thomas Madison.

Based on the file, record, and proceedings herein, **IT IS HEREBY ORDERED:**

1. Respondent Tim Walz, Governor of Minnesota, shall show cause why this court should not grant the Petitioners’ Writ of Quo Warranto on **July 16, 2020 at 10:00 a.m.**
2. When making their showing, Respondent shall explain to the court:
 - a. That when the Respondent issued his COVID-19 executive orders, he did not exceed his authority under the Minnesota Constitution’s separation of powers principle regarding the non-delegation doctrine;
 - b. Whether the Governor’s COVID-19 executive orders exceeded his authority because the statutory authority relied upon, Minnesota Statutes § 12.31, is unconstitutional because the provision authorizes a legislative veto on the extension of peacetime emergencies beyond 30 days;
 - c. Whether the Governor’s COVID-19 executive orders exceeded his authority because Minnesota Statutes § 12.31, subdivision 2 does not authorize the Governor to invoke emergency powers for a public health emergency; and;
 - d. To provide any other rationale under which an argument can be made that would show why this court should not grant the Petition.
3. Respondent shall respond to the Petition for Quo Warranto by **Thursday, June 18, 2020**, by filing with the court its written memorandum, affidavits, and exhibits and serving them upon Petitioners’ counsel by email before 6 p.m. on that day.

4. Petitioners shall respond by **Thursday, July 2, 2020**, by filing with the court their written memorandum, affidavits, and exhibits, and serving them upon Respondent's counsel by email before 6 p.m. on that day.
5. Respondent shall reply by **Thursday, July 9, 2020**, by filing with the court their written memorandum, affidavits, and exhibits and serving them upon Petitioners' counsel by email before 6 p.m. on that day.
6. Minn. R. Gen. Prac. 115.05 limitations shall apply to each individual brief.

BY THE COURT:

Dated: June 8, 2020

THOMAS A. GILLIGAN, JR.
JUDGE OF DISTRICT COURT