

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Case Type: Other Civil/Miscellaneous

Public Record Media,

Honorable Leonardo Castro

Plaintiff,

Court File No. 62-CV-18-4335

vs.

Minnesota Department of Employment and
Economic Development,**AMENDED NOTICE OF MOTION
AND MOTION TO DISMISS**

and

Greater MSP

Defendants.

TO: Attorney for Plaintiff, Jonathan Thomas Haines, 2375 University Avenue West, Ste. 200,
St. Paul, Minnesota 55114

Attorneys for Defendant Greater MSP, David A. Schooler, Ellen A. Brinkman and
Kristen M. Emmons, Briggs and Morgan, P.A., 2200 IDS Center, 80 South Eighth Street,
Minneapolis, Minnesota 55402-2157

AMENDED NOTICE OF MOTION

PLEASE TAKE NOTICE that at 9:00 a.m. on November 20, 2018, before the Honorable
Leonardo Castro, Room 1350, Ramsey County District Court, Ramsey County Courthouse,
15 Kellogg Boulevard West, St. Paul, Minnesota 55102, Defendant Minnesota Department of
Employment and Economic Development (DEED) will move the Court for an order granting its
motion to dismiss or, in the alternative, for summary judgment on Plaintiff Public Record
Media's amended complaint.

MOTION TO DISMISS

DEED's motion is made pursuant to Minn. R. Civ. P. 12.02(e), 56.01. The grounds for the motion are that Public Record Media has failed to state a claim upon which relief may be granted because DEED never collected, received, maintained, or disseminated the unsuccessful proposal that is the subject of the amended complaint. Greater MSP created the proposal and submitted it to Amazon in an attempt to convince it to locate its second headquarters in Minnesota. Further, DEED produced all responsive public data to Public Record Media's request under the Minnesota Government Data Practices Act, Minn. Stat. ch. 13 (2016). To the extent that the Court considers any materials other than the amended complaint, DEED moves for summary judgment. This motion will be based upon the files, affidavits, exhibits and a memorandum of law to be filed at a later date in accordance with the Minnesota Rules of General Practice.

Dated: September 5, 2018

Respectfully submitted,

OFFICE OF THE ATTORNEY GENERAL
State of Minnesota

/s/ Christopher M. Kaisershot
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ATTORNEY FOR MINNESOTA
DEPARTMENT OF EMPLOYMENT AND
ECONOMIC DEVELOPMENT

ACKNOWLEDGEMENT & CERTIFICATION

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded to the opposing party or parties in this litigation pursuant to Minn. Stat. § 549.211 if the Court should find that the undersigned acted in bad faith, asserted a claim or defense that is frivolous and that is costly to the other party, asserted an unfounded position solely to delay the ordinary course of the proceedings or to harass or committed a fraud upon the Court.

Dated: September 5, 2018

/s/ Christopher M. Kaisershot
CHRISTOPHER M. KAISERSHOT
Atty. Reg. No. 0268665