

STATE OF MINNESOTA
COUNTY OF WABASHA

DISTRICT COURT
THIRD JUDICIAL DISTRICT

Association for Government
Accountability, Debra Roschen, David
Harms, Merl Norman and Lynn Cliff,

File No. 79-CV-13-751

Plaintiffs,

vs.

Wabasha County, Wabasha County Sheriff
Department, Wabasha County Sheriff
Rodney Bartsh in his official capacity,
Wabasha County Office of Auditor-
Treasurer, Wabasha County Auditor-
Treasurer Denise M. Anderson in her
official capacity, the State of Minnesota,
the Minnesota Office of Attorney General,
Minnesota Attorney General Lori Swanson
in her official capacity, the Minnesota
Office of the State Auditor, and Minnesota
State Auditor Rebecca Otto in her official
capacity,

Defendants.

79 - CV - 13 - 751
ORJGMTJGMT
Order for Judgment and Judgment
1123517



**PARTIAL SUMMARY
JUDGMENT ORDER**

FILED *JMS*
JAN 06 2014

**DISTRICT COURT
WABASHA COUNTY, MN**

The above-entitled matter came before the undersigned District Court Judge for hearing on October 15, 2013, to consider the parties' Summary Judgment Motions.

At the hearing, Plaintiffs were represented by Attorney Erick Kaardal. The State Defendants were represented by Attorney Nathan Hartshorn. The County Defendants were represented by Attorney Jason Kuboushek. Furthermore, prior to the hearing the parties submitted memorandums and supporting documents in support of their respective motions.

Having considered the evidence submitted and the arguments of Counsel,

IT IS HEREBY ORDERED THAT:

1. The State Defendants' Motion for Summary Judgment is hereby **GRANTED**.

Plaintiffs' Complaint fails to state a legally sufficient claim against the State Defendants and Plaintiffs claims against the State of Minnesota, the Minnesota Office of Attorney General, Minnesota Attorney General Lori Swanson in her official capacity, the Minnesota Office of the State Auditor, and Minnesota State Auditor Rebecca Otto in her official capacity shall be **DISMISSED**.

2. The County Defendants' Motion for Summary Judgment is hereby **GRANTED IN PART** and **DENIED IN PART**:

- a. Plaintiffs have an adequate remedy at law. Defendants' Motion seeking dismissal of the claim for a writ of mandamus is hereby **GRANTED**.
Plaintiff's claim for a writ of mandamus is hereby **DISMISSED**.

- b. Plaintiffs have standing as taxpayers and a permanent injunction is an available remedy. The County Defendants' Motion for Summary Judgment seeking dismissal of Plaintiffs' remaining claims is hereby **DENIED**.

3. Plaintiffs' Motion for Summary Judgment is hereby **GRANTED**. The Safe Driving Class operated by the Wabasha County Sheriff's Department is not legally authorized under Minnesota law and Wabasha County and the Sheriff's Department shall be permanently enjoined from conducting all activities related to the Safe Driving Class until the program is legally authorized under Minnesota law.

4. Plaintiffs' remaining issues against the County Defendants shall be set for a Review Hearing.

5. The attached memorandum included herein constitutes part of this Order.

There being no just reason for further delay,

LET PARTIAL JUDGMENT BE ENTERED ACCORDINGLY.

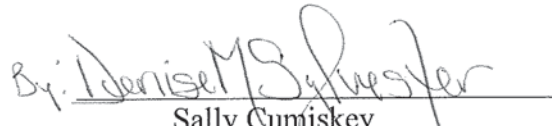
Dated: January 6, 2014



James A. Fabian
Judge of District Court

I hereby certify that the above Partial Summary Judgment Order constitutes the Judgment in this matter.

Dated: January 6, 2014



Sally Cumiskey
Court Administrator