

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Case Type: Other Civil

State of Minnesota, by Jan Malcolm,
Commissioner of Health, in her official capacity,

Court File No. 62-CV-20-5691
Judge Sara Grewing

Plaintiff,

vs.

Southwest School of Dance LLC, d/b/a Havens
Garden,

**MEMORANDUM OF LAW IN
SUPPORT OF PLAINTIFF'S
EXPEDITED MOTION FOR FURTHER
CONTEMPT SANCTIONS**

Defendant.

INTRODUCTION

The State of Minnesota, by Jan Malcolm, Commissioner of Health, in her official capacity, seeks an order for further contempt sanctions to secure compliance with the Order for Temporary Injunction issued by this Court on December 16, 2020 and the Order for Civil Contempt issued by this Court on December 18, 2020. Defendant Southwest School of Dance LLC, d/b/a Havens Garden (“Defendant”), was personally served with the Court’s Order for Temporary Injunction and Notice of the Order to Show Cause Hearing on December 17, 2020, by local law enforcement at its food establishment in Lynd, Minnesota. The Temporary Injunction prohibited Defendant from “taking any action violating Executive Order 20-99, including but not limited to providing on-site consumption services at its food and beverage establishment.”

Additionally, this Court held Defendant in constructive civil contempt on December 18, 2020, and ordered Defendant to “pay a fine of \$250 to the Clerk of the Ramsey County District Court for each day she is open in violation of the Court’s Order, pursuant to Minn. Stat. § 588.10” beginning on December 19, 2020. Nevertheless, in total disregard for both of the Court’s Orders, Defendant has continued to provide on-premises consumption of food and beverages to the public and will continue with this unlawful course of conduct absent this Court’s intervention.

PROCEDURAL AND FACTUAL BACKGROUND

On November 18, 2020, Minnesota Governor Tim Walz issued Emergency Executive Order 20-99, which, in relevant part, temporarily prohibits restaurants from offering on-premises consumption of food or beverages from 11:59 p.m. on November 20, 2020 through 11:59 p.m. on December 18, 2020.¹ Despite these temporary restrictions, on November 19, 2020, Defendant posted on its Facebook page an advertisement for an event featuring live music, food, and an open mic on Friday, November 27, 2020, from 9 p.m. to 11 p.m. (Declaration of Jason Kloss, filed on Dec. 11, 2020 (“Kloss Decl.”) at ¶ 4.) On November 27, 2020, the local public health agency, Southwest Health and Human Services, conducted an onsite inspection of Havens Garden and observed approximately 80-100 people consuming food and beverages inside the food establishment in violation of Executive Order 20-99. (Kloss Decl. Ex. 3.) On December 9, 2020, Defendant received a Cease and Desist Order from the Minnesota Department of Health, which it disregarded and again opened its restaurant for on-premises dining. (Declaration of Mark Peloquin, filed Dec. 11, 2020 (“Peloquin Decl.”) Ex. 1, 6.)

¹ Emergency Executive Order 20-99 also encourages restaurants and bars to “offer food and beverage using delivery services, window service, walk-up service, drive-through service, or drive-up service,” while the temporary restrictions are in place.

Consequently, on December 11, 2020, the State filed an enforcement action against Defendant and brought a Motion for Temporary Restraining Order and Temporary Injunction to enjoin Defendant from opening its restaurant for on-premises dining to the public in further violation of Executive Order 20-99. The next day, December 12, 2020, the Court granted the State's motion and issued a TRO that provided:

Effective from the date of this Order, Defendant is prevented, restrained, and enjoined from taking any action violating Executive Order 20-99, including but not limited to offering on-premises consumption services at its food and beverage establishment.

Defendants shall fully comply with Executive Order 20-99 and any future Executive Orders that apply to restaurants, bars, or food and beverage establishments issued by the Governor, approved by the Executive Council, and filed in the Office of the Secretary of State in accordance with Minnesota Statutes Chapter 12.

(Dec. 11, 2020 TRO at 6.) The Lyon County Sheriff's Office personally served Defendant with the TRO on December 14, 2020, at 10:50 a.m. (Second Declaration of Kaitrin Vohs, filed Dec. 15, 2020 ("Sec. Vohs Decl." Ex. 2.)

Following a hearing that occurred on December 16, 2020, this Court issued an Order for Temporary Injunction. (Dec. 16, 2020 Order for Temporary Injunction.) The Order for Temporary Injunction provided that "Defendant is prevented, restrained, and enjoined from taking any action violating Executive Order 20-99, including but not limited to providing on-site consumption services at its food and beverage establishment." (*Id.* at 10.) Additionally, this Court ordered that "Defendant shall fully comply with Executive Order 20-99 and any future Executive Orders that apply to restaurants, bars, or food and beverage establishments issued by the Governor, approved by the Executive Council, and filed in the Office of the Secretary of State in accordance with Minnesota Statutes Chapter 12." (*Id.*) This Court additionally ordered an Order to Show Cause Hearing to take place on Friday, December 18, at 1:30 p.m. (*Id.* at 11.)

On December 16, 2020, Governor Walz issued Emergency Executive Order 20-103, which modified Paragraph 7.c of Emergency Executive Order 20-99 to allow on-premises consumption of food, beverages, or tobacco products for outdoor service. (Third Declaration of Kaitrin Vohs (“Third Vohs Decl.”) at Ex. 1.) Executive Order 20-103 did not modify Executive Order 20-99’s prohibition against on-premises consumption of food and beverages for indoor service. (*Id.*)

On December 18, 2020, this Court held a hearing on the Order to Show Cause directed at Defendant. (Dec. 18, 2020 Order for Civil Contempt at 1.) Based upon the failure of Defendant to comply with the terms of the Court’s December 12 and 16, 2020 Orders, the Court found Defendant to be in constructive civil contempt. (*Id.* at 4.) Beginning on December 19, 2020, Defendant was ordered to pay a fine of \$250 to the Clerk of the Ramsey County District Court for each day she is open in violation of the Court’s Order, pursuant to Minn. Stat. § 588.10. (*Id.* at 4-5.)

Despite this Court’s conclusion that Defendant position to defy the Court’s Orders are “ill-informed and dangerous to Minnesotans” (Dec. 18, 2020 Order for Civil Contempt at 4.), Defendant has continued to operate its food and beverage establishment for indoor on-premises consumption of food and beverage to the public. (Third Declaration of Jason Kloss (“Third Kloss Decl.”) ¶¶ 3-5; Third Declaration of Mark Peloquin (“Third Peloquin Decl.”) Ex. 1-4.) Furthermore, Defendant has fundraised at least \$39,286 from 620 givers, allowing Defendant to continue to operate its food and beverage establishment in violation of Executive Order 20-99 and this Court’s Orders, even with the \$250 daily fine imposed by this Court. (Third Peloquin Decl., Ex. 5.) Defendant set a fundraising goal of \$100,000 to continue defying this Court’s orders. (*Id.*)

Defendant has not announced any changes to their restaurant or service but has repeatedly represented that Havens Garden will remain open for indoor dining, in violation of this Court's Orders and at great risk to the health and safety of Minnesotans. (Third Kloss Decl. ¶¶ 3-5; Third Peloquin Decl. Ex. 1-4.) As a result, the State brings this Expedited Motion for Further Contempt Sanctions to ensure Defendant fully and completely complies with the Court's December 16, 2020 Order for a Temporary Injunction and the December 18, 2020 Order for Civil Contempt.

ARGUMENT

I. THE COURT SHOULD SCHEDULE A HEARING ON THE MOTION FOR FURTHER CONTEMPT SANCTIONS.

Upon the evidence taken at the Order to Show Cause hearing pursuant to section 588.09:

the court or officer shall determine the guilt or innocence of the person proceeded against and, if the person is adjudged guilty of the contempt charged, the person shall be punished by a fine of not more than \$250, or by imprisonment in the county jail, workhouse, or work farm for not more than six months, or by both.

Minn. Stat. § 588.10; *see also* Minn. Stat. § 588.04(a) (providing the Court “may commit the [contemnor] to jail, impose a fine, or both, and make such order thereupon as the case may require”); Minn. Stat. § 588.02 (providing that for constructive contempt, “it must appear that the right or remedy of a party to an action . . . was defeated or prejudiced by [the contemnor] before the contempt can be punished by imprisonment or by a fine exceeding \$50.”).

The purpose of the Court's civil contempt power is to provide it “with the means to enforce its orders.” *Erickson v. Erickson*, 385 N.W.2d 301, 304 (Minn. 1986). A court's order and findings of civil contempt should be designed to induce future compliance. *Mahady v. Mahady*, 448 N.W.2d 888, 890 (Minn. Ct. App. 1989) (recognizing “civil contempt is said to give the contemnor the keys to the jail cell, because compliance with the order allows him to purge himself and end the sanction.”). A district court has “inherently broad discretion” to hold a person in contempt if

that person acted “contumaciously, in bad faith, and out of disrespect for the judicial process.” *Erickson*, 385 N.W.2d at 304 (citation omitted). And the Minnesota Supreme Court has recognized that:

If the duty [to be performed] is one specifically defined by a proper decree of the court, it must be free to compel performance by methods which are speedy, efficient, and sufficiently flexible to meet the problem at hand.

Hopp v. Hopp, 156 N.W.2d 212, 216 (Minn. 1968) (stating further that the judge’s responsibilities should not be frustrated by “delay and formalism”).

Additionally, a court’s contempt power exists independent of the statutory authority provided in Minnesota Statutes Chapter 588. *In re Cary*, 206 N.W. 402 (Minn. 1925); *accord State v. Sports & Health Club, Inc.*, 392 N.W.2d 329, 336 (Minn. App. 1986) (“The power to punish for contempt is an inherent power of constitutionally created courts in Minnesota” and “exists independent of the contempt statutes”). Thus, for example, the trial court has broad discretion to impose fines larger than the limits set by Chapter 588 “to induce compliance with its lawful order.” *Sports & Health Club, Inc.*, 392 N.W.2d at 336. That discretion includes holding even nonparties in contempt when such nonparties flagrantly disregard court orders. *Bowman v. Bowman*, 493 N.W.2d 141, 144 (Minn. Ct. App. 1992) (holding that corporate officer of nonparty corporation that ignored a lawful subpoena could be held in contempt and upholding an award of attorney fees).

Thus, as described more fully below, upon finding Defendant’s conduct constitutes constructive civil contempt, the Court has broad and flexible contempt powers to induce compliance with its December 16 and 18, 2020 Orders, which includes the imposition of monetary

finer for each occurrence of violations of the orders,² conditional confinement until compliance assured,³ as well as indemnity and the payment of costs and attorney fees incurred by the State.⁴

A. Defendant's Purposeful Disobedience of the Court's December 16 and 18, 2020 Orders Constitutes Constructive Civil Contempt.

Defendant has knowingly and repeatedly disobeyed this Court's December 16, 2020 Order for Temporary Injunction and the December 18, 2020 Order for Civil Contempt. The December 16, 2020 Order provides "Defendant is prevented, restrained, and enjoined from taking any action violating Executive Order 20-99, including but not limited to providing on-site consumption services at its food and beverage establishment." (Dec. 16, 2020 Order for Temporary Injunction at 10.) Additionally, the Court ordered that, beginning on December 19, 2020, Defendant shall pay a fine of \$250 to the Clerk of the Ramsey County District Court for each day she is open in violation of the Court's Order, pursuant to Minn. Stat. § 588.10. (Dec. 18, 2020 Order for Civil Contempt at 4-5.)

The Temporary Injunction was personally served on Defendant's manager, Larvita McFarquhar, on December 17, 2020 (Certificate of Service of Deputy Sheriff Brandon Coens, dated Dec. 17, 2020.) Additionally, Ms. McFarquhar was present at the December 18, 2020 Order to Show Cause hearing when this Court found Defendant in contempt of court. Nevertheless, Ms. McFarquhar has remained open for business as usual and has repeatedly represented her intention to defy this Court's Orders. (Third Kloss Decl. ¶¶ 3-5; Third Peloquin Decl. Ex. 1-4.) Defendant has made no effort to disguise its contempt of this Court's Order. Thus, the State has established

² See, e.g., Minn. Stat. § 645.24; *Sports & Health Club, Inc.*, 392 N.W.2d at 336-37.

³ See, e.g., Minn. Stat. § 588.12.

⁴ See, e.g., Minn. Stat. § 588.11.

by a preponderance of the evidence that Defendant has contemptuously disobeyed the Court's December 16 and 18, 2020 Orders, requiring the imposition of fines and the Court's issuance of a second Order for Contempt to ensure future compliance. *See* Minn. Stat. § 588.01, subd. 3(3) (providing that disobedience of a lawful court order constitutes constructive civil contempt).

In addition to a second Order for Contempt to ensure future compliance, Defendant requests that the Court order Defendant to pay a fine of \$250 for each day Havens Garden has been open in violation of the Court's Order, beginning on December 19, 2020. (*See* Dec. 18, 2020 Order for Civil Contempt.) Defendant has failed to certify compliance with the Court's Order and was open in violation of the Court's Order at least on December 21, December 22, December 23, and December 28, 2020. (Third Kloss Decl. ¶¶ 3-5; Third Peloquin Decl. Ex. 1-4.)

B. An Order Imposing Further Contempt Sanctions is Necessary to Induce Future Compliance.

Because Defendant's unlawful and ongoing conduct constitutes civil constructive contempt, the Court has broad and flexible authority to issue a Contempt Order to induce future compliance with its December 16 and 18, 2020 Orders, including: (1) the imposition of monetary sanctions, including fines for each and every violation of the Court's Orders, indemnity, and the payment of the costs and attorney's fees incurred by the State in bringing this Motion; (2) imprisonment until compliance is assured; or (3) both. *See* Minn. Stat. § 588.10.

Moreover, to impose a fine greater than \$50 or impose imprisonment for civil constructive attempt, "it must appear that [the State's] right or remedy to [its] action or special proceeding was defeated or prejudiced" by Defendant's contempt. Minn. Stat. § 588.02. Here, this is easily established. The temporary injunctive relief the State secured in its motion for temporary injunction has been prevented through Defendant's willful noncompliance with the Court's Order for Temporary Injunction and Order for Civil Contempt. Each day that Defendant opens for on-

premises dining in violation of the Court's December 16 and 18, 2020 Orders and Executive Order 20-99, the State is not only being prejudiced but the health and safety of Minnesotans is being irreparably harmed. Thus, significant monetary sanctions in excess of \$50, as well as any other conditions deemed appropriate by the Court, are options the Court may impose to secure future compliance of the December 16 and 18, 2020 Orders.

1. Securing Future Compliance through Monetary Fines and Sanctions.

One way a court may induce future compliance of its orders is by fining the contemnor. As described above, although Minn. Stat. § 588.10 provides that fines may not exceed \$250, the Court has inherent authority to craft a larger fine for each and every occurrence of a violation in order to induce compliance. *See, e.g., Sports & Health Club, Inc.*, 392 N.W.2d at 336-37 (upholding trial court's imposition of \$300 fine per day until contemnor complies with order did not violate section 588.10); *see also* Minn. Stat. § 645.24 (providing that when a penalty is provided for the violation of a law, such penalty "shall be construed to be for each such violation"). Thus, in its Contempt Order the Court may exercise its discretion by imposing a daily fine greater than \$250 per day in order to induce compliance with its December 16 and 18, 2020 Orders.⁵

While it is solely within the Court's discretion to determine the appropriate penalty to impose in any contempt order, the State is concerned that the current monetary fines are insufficient to ensure Defendant's compliance with the Court's December 16 and 28, 2020 Orders. Defendant has repeatedly represented that Havens Garden is currently open for indoor dining and

⁵ Chapter 588 further provides that a court may order the person guilty of contempt to indemnify the aggrieved party for actual losses or injury caused by the contempt and to satisfy the party's costs and expenses, including reasonable attorney fees incurred in the prosecution of such contempt. Minn. Stat. § 588.11; *Hanson v. Thorn*, 636 N.W.2d 591, 593-94 (Minn. Ct App. 2001) (attorney fees themselves support a finding of actual loss or injury for the purpose of Minn. Stat. § 588.11).

will remain open for indoor dining. (Third Peloquin Decl. Ex. 1-4.) Defendant has fundraised at least \$39,286 from 620 givers, allowing Defendant to remain open for indoor dining in violation of the Court's Orders and Executive Order 20-99 until at least until January 10, 2021, the date when the current restrictions in Executive Order 20-99 are scheduled to expire, with little to no consequence. (Third Peloquin Decl. Ex. 5.) For these reasons, the Department requests that this Court use its inherently broad contempt discretion to substantially increase the current monetary fines of \$250 per day that Defendant remains open for indoor dining⁶, in order to ensure Defendant's compliance with the December 16 and 18, 2020 Orders and Executive Order 20-99.

2. Securing Future Compliance through Other Conditions.

The Department is not seeking conditional confinement of the Defendant for its constructive contempt at the present time. Nonetheless, the Department notes that the Court has statutory authority to secure compliance through conditional confinement “[w]hen the contempt consists in the omission to perform an act which is yet in the power of the person to perform,” and confinement for such contempt may end whenever the confined person performs the required act. Minn. Stat. § 588.12. Defendant has been ordered by the Court to close to the public for on-premises consumption of food and beverages. Nevertheless, in defiance of the December 16 and 18, 2020 Orders, Defendant has not closed Havens Garden for indoor dining, despite being able to do so, by and through Ms. McFarquhar. Thus, the Court, in its discretion, has authority to induce

⁶ Defendant has raised nearly \$40,000 through crowdfunding thus far. If Defendant remains open in violation of the Court's Orders and Executive Orders 20-99 and 20-101 until January 10, 2021, Defendant already has sufficient funding available to pay a daily fine up to \$3,333 with little to no consequence. Any monetary fine must be substantial to ensure Defendant's compliance with the Court's Orders.

future compliance of its December 16 and 18, 2020 Orders through the conditional confinement of Defendant's manager Larvita McFarquhar.⁷

In *Hopp*, the Minnesota Supreme Court established an eight-factor test which further clarified when confinement is appropriate for civil contempt. *See Hopp*, 156 N.W.2d at 216-17. As explained below, the State has met all eight *Hopp* factors required for the potential use of conditional confinement as a remedy for Defendant's civil contempt.

The first four *Hopp* factors have already been established.⁸ This Court has already found that it has subject matter jurisdiction over this case, and thus meets the first *Hopp* factor. (TRO at 3.) The Order for a Temporary Injunction clearly directed Defendant and its officers to comply with Executive Order 20-99 by not providing on-site consumption services at its food and beverage establishment, thus meeting the second *Hopp* factor. (Dec. 16, 2020 Order for Temporary Injunction, at 10.) Additionally, the December 18, 2020 Order clearly ordered that Defendant shall pay a fine of \$250 to the Clerk of the Ramsey County District Court for each day she is open in violation of the Court's Order, pursuant to Minn. Stat. § 588.10. Service of the Order for Temporary Injunction was effective on December 17, 2020 at 2:58 p.m. and made upon Defendant's manager Larvita McFarquhar, so Defendant has had a reasonable amount of time to comply with the Order, thus meeting the third *Hopp* factor. (Certificate of Service, filed on December 17, 2020.) And finally, the State's Motion for Contempt and this Memorandum is its

⁷ *See supra* note 8, explaining that Defendant's corporate officers are subject to contempt powers of the Court.

⁸ The first four *Hopp* factors include: (1) that the ordering court had jurisdiction of the subject matter and the person; (2) that the decree of the court clearly defined the acts to be performed by a party to the proceedings; (3) that the party directed to perform had notice of the court's decree and reasonable time within which to comply; and (4) that the party adversely affected by the alleged failure of the directed party to comply has applied to the court for aid in compelling performance. *Hopp*, 156 N.W.2d at 216.

“application to the court for aid in compelling performance, giving specific grounds for complaint,” and meeting the fourth *Hopp* factor.

The four remaining *Hopp* factors will be met following the hearing that the State has requested take place as soon as practicable.⁹ Additionally, Defendant was provided an opportunity to show compliance or reasons for a failure to comply during the December 18, 2020 Order to Show Cause hearing. Upon questioning by the Court, Ms. McFarquhar said that she would not be complying with the Court’s Orders or Executive Orders 20-99 or 20-101. (Dec. 18, 2020 Order for Civil Contempt, at 2.) As a result, this Court formally determined Defendant to be in constructive civil contempt. (*Id.* at 4.)

Defendant has represented that it not only has failed to comply with the Court’s Orders, but that it has no intention of complying with the Court’s Orders in the future. (*Id.* at 2.) The conditional confinement of Defendant’s manager, Ms. McFarquhar would be reasonably likely to obtain Defendant’s compliance because Ms. McFarquhar has the authority to open and close Defendant’s restaurant for on-premises dining. (*Id.* at 4.) Because Defendant has failed to comply with the Order, and Defendant’s manager’s conditional confinement is likely to lead to its compliance with the Order, the conditional confinement of Ms. McFarquhar meets the sixth *Hopp* factor. Also, because Ms. McFarquhar is capable of opening and closing the restaurant for on-

⁹ The remaining four *Hopp* factors include: (5) that a hearing was conducted and at such hearing the party charged with nonperformance was given an opportunity to show compliance or reasons for a failure to comply; (6) that the court (after such a hearing) formally determines whether there was a failure to comply with the order and, if so, whether conditional confinement is reasonably likely to produce compliance fully or in part; (7) that confinement should not be directed to compel a party to do something which he is wholly unable to do; and (8) that when confinement is directed, the party confined should be able to effect his or her release by compliance or, in some cases, by his or her agreement to comply to the best of their ability. *Hopp*, 156 N.W.2d at 216-17.

premises consumption, (*see id.*), the seventh *Hopp* factor is met. *See Hopp*, 156 N.W.2d at 217 (“[L]ack of ability and lack of willingness are two different things.”)

Finally, should Ms. McFarquhar be confined, she should only be conditionally confined for as long as it takes for her to provide reasonable assurances to the Court that Defendant will comply with the December 16 and 18, 2020 Orders, and Executive Orders 20-99 and 20-101. Ms. McFarquhar’s ability to affect her own release from confinement in this way satisfies the eighth and final *Hopp* factor. *Id.*

The State wishes to strongly emphasize that it is its sincere hope that the Court will not have to resort to conditional confinement of Ms. McFarquhar or any other of Defendant’s officers to ensure future compliance with its Orders. The State is not eager to see any business owner conditionally confined based on their refusal to comply with a court’s order requiring compliance with Emergency Executive Order 20-99. Nevertheless, the lawful orders of this Court as well as all other courts throughout Minnesota must be respected and complied with. Indeed, as the United States Supreme Court has recognized, without the court’s contempt power to ensure this is the case, the judicial power of Minnesota’s courts “would be a mere mockery.” *United States v. United Mine Workers*, 330 U.S. 258, 290 n. 56 (1947) (“If a party can make himself a judge of the validity of orders which have been issued, and by his own act of disobedience set them aside, then are the courts impotent, and what the Constitution now fittingly calls the ‘judicial power of the United States’ would be a mere mockery.”).

II. AN EXPEDITED HEARING IS REQUIRED TO PROTECT THE HEALTH AND SAFETY OF MINNESOTANS.

Although Minnesota General Rule of Practice 115.03 usually requires dispositive motions like the State’s Motion for Contempt to be filed at least 28 days before the hearing, Rule 115.07

encourages the Court to “waive or modify” the timing requirements when “irreparable harm will result absent immediate action by the court,” or if “the interest of justice otherwise require.” Defendant’s brazen conduct necessitates an immediate response.

This Court has already found that Defendant’s decision to remain open for indoor on-premises consumption of food and beverage is “ill-informed and dangerous to Minnesotans.” (Dec. 18, 2020 Order for Civil Contempt, at 4.) Nevertheless, Defendant has remained open for indoor on-premises dining in clear violation of this Court’s Orders of December 16 and 18, 2020, and Executive Orders 20-99 and 20-101.

Defendant’s contemptuous conduct must be remedied immediately. The threat that COVID-19 poses to Minnesotans cannot be overstated, and it is with that threat in mind that this Court quickly granted the TRO and Order for Temporary Injunction. Defendant’s continued willful violation of both Executive Orders 20-99 and 20-101 and this Court’s Orders should not provide Defendant with an extension to continue disobeying the law. *See Hopp*, 156 N.W.2d at 216 (stating that the judge’s responsibilities should not be frustrated by “delay and formalism”). Accordingly, the State respectfully requests that the Court waive or modify the time requirements normally applicable under Rule 115 to this motion so that it may be heard and ruled on as expeditiously as possible.

CONCLUSION

For all of the above reasons, the State respectfully requests that the Court: (1) set a hearing on the Motion for Further Contempt Sanctions; (2) impose the Court ordered fine of \$250 for every day Havens Garden has been open in violation of the Court’s Orders and Executive Orders 20-99 and 20-101 since December 19, 2020; and (3) enter an appropriate Order for Contempt that imposes sufficient sanctions, including monetary fines in excess of \$250, other conditions, or both, to ensure Defendant’s future compliance with the Court’s December 16 and 18, 2020 Orders.

Dated: December 29, 2020

Respectfully submitted,

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**MINN. STAT. § 549.211
ACKNOWLEDGMENT**

The party on whose behalf the attached document is served acknowledges through its undersigned counsel that sanctions may be imposed pursuant to Minn. Stat. § 549.211.

Dated: December 29, 2020

/s/ Kaitrin C. Vohs
KAITRIN C. VOHS