

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MINNESOTA**

KRISTIN WORTH, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil No. 21-1348 (NEB/LIB)
	)	
JOHN HARRINGTON, in his	)	PLAINTIFFS' STATEMENT
individual capacity and in his official	)	OF THE CASE
capacity as Commissioner of the	)	
Minnesota Department of Public	)	
Safety et al.,	)	
	)	
Defendants.	)	

PLAINTIFFS' STATEMENT OF THE CASE

Pursuant to this Court's scheduling order, Order, Doc. 21 (Aug. 23, 2021), Plaintiffs provide the following concise statement of the facts of the case and listing of the particularized facts which support the claimed liability, including citations to applicable statutes. Because Plaintiffs are not seeking compensatory damages, Plaintiffs do not set forth an itemization and explanation of any claimed damages.

Concise Statement of Facts

The Supreme Court has recognized that the Second Amendment to the Constitution "guarantee[s] the individual right to possess and carry" firearms. *District of Columbia v. Heller*, 554 U.S. 570, 635 (2008). This right is "among those fundamental rights necessary to our system of ordered liberty," and applies equally to the states. *McDonald v. City of Chicago*, 561 U.S. 742, 750 (2010). Kristin Worth, Austin Dye, and Axel Anderson ("Individual Plaintiffs") are 18-to-20-year-old citizens of Minnesota who desire to carry handguns in public for self-defense and other lawful purposes. The Minnesota Gun Owners Caucus, Second Amendment Foundation, and Firearms Policy Coalition ("Associational Plaintiffs") are all non-profit organizations that seek to

promote the right to keep and bear arms and count Individual Plaintiffs among their members. Individual Plaintiffs are precluded by Minnesota's carry permitting regime from exercising their Second Amendment rights. That regime is administered by Defendants and requires an individual to be at least 21 years old before he or she is eligible to carry a license.

Listing of Particularized Facts Supporting Liability

1. Minnesota makes it illegal to carry a handgun in a public place without first acquiring a permit to carry, subject to very limited exceptions. Minn. Stat. § 624.714 subd. 1a; *see* Minn. Stat. § 624.7181 subd. 1(c) (defining "public place").
2. Minnesota absolutely bars all law-abiding adults 18-to-20-years old from obtaining a carry permit by reason of their age. Minn. Stat. § 624.714 subd. 2(b)(2).
3. Individual Plaintiffs are all adults 18-to-20-years old who desire to carry handguns in public places for self-defense and other lawful purposes.
4. Worth and Anderson would promptly acquire handguns if they could acquire a carry permit and, thereafter, would carry handguns in public for self-defense and other lawful purposes.
5. Dye owns a handgun that he would carry in public for self-defense and other lawful purposes if he could acquire a carry permit.
6. Other than their age, nothing prevents Individual Plaintiffs from acquiring a carry permit under Minnesota law.
7. Defendants administer the statutes that preclude Plaintiffs from exercising their Second Amendment rights.
8. Defendant John Harrington, as the Commissioner of the Minnesota Department of Public Safety, is charged with "adopt[ing] statewide standards governing the form and contents, as required by . . . [section] 624.714, of every . . . application for a permit to carry a pistol"

and all such applications must meet the Commissioner's statewide standards. Minn. Stat. Ann. § 624.7151.

9. Defendants Don Lorge, Troy Wolberson, and Dan Starry ("the Sheriffs") are sheriffs of the counties in which Individual Defendants reside.
10. The Sheriffs are charged with administering and enforcing their counties' and the State's laws, regulations, policies, practices, and customs concerning the carrying of weapons, and all applications for permits to carry by residents of their counties must be made to them. Minn. Stat. § 624.714.
11. Continued enforcement by Defendants of the laws related to public carriage of handguns by law-abiding 18-to-20-year-old adults deprives Plaintiffs of their constitutionally guaranteed right to bear arms.

September 23, 2021

/s/ David H. Thompson

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