

State of Minnesota
County of Stearns

District Court
Seventh Judicial District
Court File Number: 73-CV-26-451
Case Type: Civil – Other/Misc.

Order on Plaintiff's Motion for Summary Judgment and Defendant's Motion to Dismiss

Stearns County Dept – Administration

Plaintiff,

vs.

Aloysius William Studniski, on behalf of Studniski Properties.

Defendant

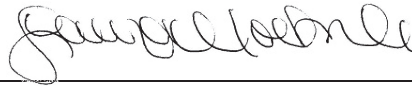
This matter came before the Honorable Laura A. Moehrle, Judge of District Court on May 29, 2026 on Plaintiff's Motion for Summary Judgment and Defendant's Motion to Dismiss. Attorney Chad May from the Stearns County Attorney's Office appeared on behalf of Plaintiff. Aloysius William Studniski (hereinafter "Defendant" or "Mr. Studniski") appeared *pro se*.

Order

1. Plaintiff's Motion for Summary Judgment is GRANTED.
2. Defendant's Motion to Dismiss is DENIED.
3. Defendant is enjoined from using the property as an event venue unless and until Defendant complies with all applicable laws and ordinances.
4. Defendant must completely abate the violations as required by law. Defendant must address all violations by applying for a provisional or conditional use permit and comply within State and County ordinances within 60 days of this Order.
5. Defendant must submit a driveway access permit from the Stearns County Highway Department.
6. Defendant must submit an engineered stormwater management plan in accordance with Section 7.26 of Ordinance No. 439.
7. Defendant must submit a Jurisdictional Determination Letter from the Department of Labor and Industry.

8. If Defendant does not apply for the required permit and fails to comply with 4-7 above, Defendant must remove the driveway, culvert, and all related fill within the County Road 2 right of way, remove all impervious surface located east and north of the structure permitted in 2022, and to revegetate or turn the area back to farmland.
9. If Defendant continues to use the property as an event venue without complying with the law, Plaintiff shall be entitled to enter the property and abate the violations and may recover the cost of such action in the manner of a mechanic's lien against the property and in the manner of a special assessment against the real estate and to have costs reduced to a civil judgment.
10. The attached memorandum is incorporated herein by reference.
11. LET JUDGMENT BE ENTERED ACCORDINGLY.

By the Court:



Judge Laura A. Moehrle

Judge of District Court

Date: August 6, 2026

I certify the above order constitutes the Judgment of the Court.

Court Administrator

By:

Filed in District Court

State of Minnesota

08/07/2026

08/07/2026 09:26 am

MEMORANDUM

Stearns County is charged with administering and enforcing Stearns County Land Use and Zoning Ordinances, including Ordinance 439. This Ordinance authorizes Stearns County to enforce its provisions and to initiate appropriate civil action or proceedings to prevent, prosecute, restrain, correct, or abate violations of the Ordinance.

Mr. Studniski is a landowner who owns property located at 36271 County Road 2, St. Joseph, Minnesota, 56374. The County alleges that Mr. Studniski has operated an event venue on his property in violation of Stearns County Ordinance 439, Sections 4.8 and 6.51 by failing to obtain a provisional or conditional use permit and by failing to comply with all other state and county statutes and ordinances.

On June 28, 2023 Stearns County Environmental Services Department sent Mr. Studniski a letter regarding a hay shed he wished to build on his property. (Doc. Id. No. 6, Aff. of Chad May, ¶ 10). The letter indicated that the permit was approved for an “agricultural accessory structure” and that the use of the hay shed was to be limited to personal or agricultural storage. *Id.* At the time the permit was issued, Stearns County was aware that Mr. Studniski possibly had plans to use the shed as an event venue, and the County notified Mr. Studniski that additional permits and approvals would be required to use the shed for this purpose. *Id.* On August 14, 2024 the County again contacted Mr. Studniski noting that the County was aware that two weddings were scheduled on the property, and while events for immediate family were allowed, any other weddings or events would be subject to the requirements of Ordinance 439. *Id.* at ¶ 11.

On December 3, 2024, Mr. Studniski was served with a violation and abatement order from the County notifying him that he was in violation of Ordinance 439 and that he was to discontinue any use of the property as an event venue. *Id.* at ¶ 12. Mr. Studniski was given sixty

(60) days to come into compliance by applying for a conditional use permit and to complete all of the requirements of Ordinance 439. *Id.* On December 6, 2024, Mr. Studniski sent Stearns County Sheriff Soyka a letter stating service of the violation was an invasion of his property rights and requested that the Sheriff cease and desist immediately. *Id.* at ¶ 13. However, Mr. Studniski continued to use the property as an event venue throughout 2025. *Id.* at ¶ 14

On September 22, 2025, the Stearns County Sheriff's office conducted an investigation into activities on the property and was able to confirm that Mr. Studniski continued to use the property as an event venue. *Id.* at ¶ 15-17. Officers were able to speak with several people who confirmed they held wedding events at the property and that Mr. Studniski was charging them to hold wedding events there. *Id.* The Stearns County Sheriff's office spoke with Mr. Studniski on October 15, 2025. *Id.* at ¶ 18. Mr. Studniski admitted that he was conducting wedding events on his property but contended that the requirements did not apply to his private property, that he is not a United States Citizen, and that he is tax-exempt. *Id.*

The County also learned that another wedding event was scheduled to take place on the property during the summer of 2026 and that a deposit had already been paid. *Id.* at ¶ 19. On October 23, 2025, the Stearns County Attorney's Office sent Mr. Studniski a letter advising of the County Attorney's involvement and stating that Mr. Studniski was required to apply for the required permits and comply with all State and County statutes and ordinances if he wished to continue to use the property as a wedding venue. *Id.* at ¶ 20.

On November 3, 2025, Mr. Studniski responded by letter reiterating his belief that there was no need to comply with the County or State laws and ordinances because he is not a United States citizen, that he is tax exempt, and that he does not follow any statutes, codes, rules,

regulations, or policies as he believes he is outside the State and County jurisdiction. He asked the County to cease and desist. *Id.* at ¶ 21.

The County initiated the present lawsuit on November 30, 2025 by serving the Summons and Complaint on Mr. Studniski. *Id.* at ¶. 22. On January 15, 2026, Mr. Studniski sent the County a document entitled “Non-Negotiable Notice of Acceptance.” (Doc. Id. No. 4). The document notes it is in reply to the Summons and Complaint. *Id.* The document states “I indicate my acceptance of your offer by my signature and date. I do not argue the facts, jurisdiction, law, or venue.” *Id.* The Summons and Complaint was also returned stamped “Accepted” and signed and dated by Mr. Studniski on each page. *Id.* Mr. Studniski has not filed a document called an “Answer” or a document purporting to be an Answer with the Court.

On March 30, 2026, Stearns County brought a Motion for Summary Judgment. Mr. Studniski did not file a Response to the Motion for Summary Judgment, but on April 13, 2026, he filed a Notice of Motion and Motion to Dismiss, a Memorandum in Support of his Motion to Dismiss, an Affidavit, and a Declaration of Disputed Facts. (Doc. Id. No. 23, 26, 27, 28).

Mr. Studniski’s Motion to Dismiss seeks to dismiss the County’s Complaint for (1) lack of subject matter jurisdiction; (2) failure to exhaust administrative remedies; (3) failure to state a claim upon which relief can be granted; (4) insufficient service of process and lack of personal jurisdiction; (5) and that Plaintiff’s Motion for Summary Judgment is premature and improper prior to discovery. (Doc. Id. No. 28).

Mr. Studniski alleges the following facts are in dispute (1) whether defendants operated an “event venue” as defined by Ordinance 439; (2) whether any events occurred that required a conditional use permit; (3) whether defendant charged money for any events; (4) whether plaintiff followed required administrative procedures; (5) whether plaintiff issued a final

administrative determination; (6) whether plaintiff properly served defendant; and (7) whether plaintiff's evidence is admissible or reliable. (Doc. Id. No. 26). Mr. Studniski also filed an affidavit stating that though he is the defendant in this matter, he was never personally served with the Summons and Complaint in this case and that he did not sign or return an acknowledgement of service by mail. He further stated that he was never provided with an administrative hearing or appeal opportunity regarding any alleged violation of Ordinance 439, that he was never issued a final administrative determination by Stearns County, that he "disputes the factual allegations made by Plaintiff, including the claim that he continued to operate an event venue in violation of Ordinance 439", and that he has not had an opportunity to conduct discovery or obtain evidence necessary to respond to the Motion for Summary Judgment. (Doc. Id. No. 23).

On May 26, 2026, Mr. Studniski filed a document entitled "Cease and Desist All Administrative Bonding" and a "Ecclesiastical Deed Poll." These document appear to disclaim Mr. Studniski's U.S. citizenship or personhood and generally allege that he is not subject to the laws of local, state or federal laws.

On May 29, 2026, the parties appeared for a hearing on the matter where the parties reiterated the facts of this case and their respective positions. The Court took the matter under advisement.

Legal Analysis

Defendant's Motion to Dismiss

On a motion to dismiss, the courts must take the factual allegations in the complaint as true and view the facts in the light most favorable to the Plaintiff. *See, e.g., Riley v. Money Mutual, LLC*, 884 N.W.2d 321, 325 n.4 (Minn. 2016). Where a defendant's motion is supported by affidavits that counter or supplement facts alleged in the complaint, "specific evidence must

be alleged” as to those contestations. *Id.* at 334-35. However, once a plaintiff provides factual rebuttals to those contestations, that rebuttal evidence “is taken as true.” *State v. HavenBrook Homes, LLC*, 996 N.W.2d 12, 22 (Minn. Ct. App. 2023).

Lack of Subject Matter Jurisdiction

Under Minnesota law, “every defense, in law or fact, to a claim for relief in any pleading, whether a claim, counterclaim, cross-claim, or third-party claim, shall be asserted in the responsive pleading thereto if one is required, except that the following defenses may at the option of the pleader be made by motion: (a) lack of jurisdiction over the subject matter; (b) lack of jurisdiction over the person; (c) insufficiency of process; (d) insufficiency of service of process; (e) failure to state a claim upon which relief can be granted; and (f) failure to join a party pursuant to Rule 19.” Minn. R. Civ. P. 12.02. “A motion making any of these defenses shall be made before pleading if a further pleading is permitted.” *Id.* “Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action.” Minn. R. Civ. P. 12.08. Therefore “defects in subject matter jurisdiction may be raised ‘at any time’ and cannot be waived or forfeited by a party. *Seehus v. Bor-Son Constr., Inc.*, 783 N.W.2d 144, 147 (Minn. 2010)).

Subject matter jurisdiction refers to a court's authority to hear and determine cases that are presented to it. *Rued v. Comm'r of Hum. Servs.*, 13 N.W.3d 42, 46 (Minn. 2024) (citing *Giersdorf v. A&M Constr., Inc.*, 820 N.W.2d 16, 20 (Minn. 2012)). Whether a court has subject matter jurisdiction “generally depends on the scope of the constitutional and statutory grant of authority to the court.” *Id.* (citing *McCullough & Sons, Inc. v. City of Vadnais Heights*, 883 N.W.2d 580, 585 (Minn. 2016)). Minnesota's district courts are courts of general jurisdiction and have the power to hear all types of civil and criminal cases. *State v. Schnagl*, 859 N.W.2d 297,

301 (Minn. 2015); *see In re Civil Commitment of Giem*, 742 N.W.2d 422, 429 (Minn.2007)

(“Our state constitution provides a broad grant of subject matter jurisdiction to the district court....”). Article VI, Section 3 of the Minnesota Constitution expressly states that “[t]he district court has original jurisdiction in all civil and criminal cases.” Minnesota Statute § 484.01, which further codified the courts’ general jurisdiction, states “districts courts shall have original jurisdiction in ‘all civil actions within their respective districts’” as well as “all other cases wherein such jurisdiction is especially conferred upon them by law.”

In this case, Mr. Studniski moved to dismiss the Plaintiff’s suit, which is based on Mr. Studniski’s violations of Stearns County Ordinance 439, section 4.8 and 6.51, for lack of subject matter jurisdiction. However, district courts are courts of general jurisdictions, and both caselaw and statute have expressly stated that civil matters of this nature, i.e. disputes regarding ordinance violations, fall squarely within that jurisdiction. Accordingly, Mr. Studniski’s motion is denied.

Failure by the Plaintiff to Exhaust Administrative Remedies

Mr. Studniski also seeks dismissal of this matter based on an alleged failure by the Plaintiff to exhaust administrative remedies, arguing that the county failed to comply with the relevant procedures prior to bringing this suit.

The procedures in question are set forth in section 12 of the Stearns County Land Use Ordinance and can be found on the Stearns County website under Planning & Zoning Ordinances under ordinance 439. Section 12.1 indicates that the purposes of the section is to “provide an administrative process for enforcing the provisions of the Stearns County Land Use and Zoning Ordinance and for determining and resolving ordinance violations.” Section 12.2 states that the county is required to conduct a reasonable investigation to determine whether a violation exists

and, upon finding one, to prepare an administrative order setting forth the actions required to resolve the violation, a reasonable time within the violation must be remedied, and the property owner's right to appeal. Section 12.3 requires that the administrative order be served upon the property owner by mail. Section 12.4 provides that the property owner shall have ten days from service to appeal the order by submitting written notice of intent to appeal and specifying the grounds for the appeal. If no appeal is taken within that timeframe, the administrative order is deemed to be the final decision. Finally, section 12.7 provides that pursuant Minnesota Statute §394.27, the county attorney may institute such actions as may be necessary to enforce final decisions issued.

Here, the county sent an administrative order listing the violation along with an abatement order on December 3, 2024. The order was served upon Mr. Studniski via priority mail the same day. Mr. Studniski did not appeal this decision within ten days. He did not submit written notice of intent to appeal and did not specify the grounds for appeal. Instead, he sent the Stearns County Sheriff Soyka a letter stating service of the violation was an invasion of his property rights and that the Sheriff cease and desist immediately. The administrative order was taken as a final decision. As a result, the County filed the present suit to enforce that decision as they were entitled to under section 12.7. Accordingly, the court finds that the County has complied with all procedural requirements and all administrative remedies were exhausted prior to bringing this civil action to enforce the final decision.

Failure to State a Claim Upon Which Relief Can be Granted

“Minnesota is a notice-pleading state.” *Walsh v. U.S. Bank, N.A.*, 851 N.W.2d 598, 604-605 (Minn. 2014). Under the notice-pleading standard, a complaint “sets forth a claim for relief” if it “contains a short plain statement of the claim showing that the pleader is entitled to relief

and a demand for judgment for the relief sought.” Minn. R. Civ. P. 8.01. Notice pleading does not require a pleader “to allege facts and every element of a cause of action.” *Hoskin v. Krsnak*, 25 N.W.3d 398, 406 (Minn. 2025). (citing *N. States Power Co. v. Franklin*, 265 Minn. 391, 122 N.W.2d 26, 29 (1963)). However, “[the] complaint needs to be sufficiently detailed as to give “fair notice to the adverse party of the incident giving rise to the suit with sufficient clarity to disclose the pleader’s theory upon which his claim for relief is based.” *Halva v. Minnesota State Colleges & Universities*, 953 N.W.2d 496, 500–01 (Minn. 2021) (citing *Franklin*, 122 N.W.2d at 29).

Such “claim is sufficient against a motion to dismiss for failure to state a claim if it is possible on any evidence which might be produced, consistent with the pleader’s theory, to grant the relief demanded.” *Hoskin* at 405 (citing *Walsh* at 603). In determining this, courts “consider only the facts alleged in the complaint, accepting those facts as true and must construe all reasonable inferences in favor of the nonmoving party.” *Hebert v. City of Fifty Lakes*, 744 N.W.2d 226, 229 (Minn.2008). (citation omitted) (internal quotation marks omitted). This indicates that, “a pleading will be dismissed only if it appears to a certainty that no facts, which could be introduced consistent with the pleading, exist which would support granting the relief demanded.” *Bahr v. Capella Univ.*, 788 N.W.2d 76, 80 (Minn. 2010).

Here, Mr. Studniski alleges that Plaintiff failed to state a claim upon which relief can be granted. For the reasons stated below in the court’s analysis of the Plaintiff’s motion for summary judgment, the court finds that the Plaintiff’s complaint does assert a cognizable claim for enforcement of a land use ordinance. Thus, Mr. Studniski’s motion to dismiss for failure to state a claim upon which relief can be granted is hereby denied.

Insufficient Service of Process and Lack of Personal Jurisdiction

A plaintiff commences a civil action against a defendant when the plaintiff serves the defendant with summons. Minn. R. Civ. P. 3.01(a). “Service of process must accord strictly with statutory requirements.” *J. Moore L.L.C. v. State Farm Fire & Cas. Co.*, 27 N.W.3d 390, 393 (Minn. Ct. App. 2025) (citing *Lundgren v. Green*, 592 N.W.2d 888, 890 (Minn. App. 1999) (quotation omitted), rev. denied (Minn. July 28, 1999)). Minnesota Rule of Civil Procedure 4.03(a) which governs a summons in a civil action upon an individual, requires that such service may be effectuated in one of two ways: (1) by delivering a copy to the individual personally; or (2) by leaving a copy at the individual's usual place of abode with some person of suitable age and discretion then residing therein. Minn. R. Civ. P. 4.03(a). Rule 4.02 sets forth procedures for who may effect service of process and provides that “unless otherwise ordered by the court, the sheriff or any other person not less than 18 years of age and not a party to the action, may make service of a summons or other process. Minn. R. Civ. P. 4.02.

There are two types of personal jurisdiction: general and specific. *Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco Cnty.*, 582 U.S. 255, 262 (2017). A court cannot exercise personal jurisdiction over a nonresident unless that exercise comports with both the state's jurisdictional statute and the Fourteenth Amendment's Due Process Clause. *Young v. Maciora*, 940 N.W.2d 509, 514 (Minn. Ct. App. 2020), rev. denied (Minn. May 19, 2020). Minnesota's “long-arm” statute extends Minnesota's jurisdiction over nonresidents to the extent permitted by the federal Due Process Clause. *Juelich v. Yamazaki Mazak Optonics Corp.*, 682 N.W.2d 565, 569-70 (Minn. 2004) (Minnesota Statute § 543.19); accord *Soo Line R.R. Co. v. Hawker Siddeley Can., Inc.*, 950 F.2d 526, 528 (8th Cir. 1991).

According to the Due Process Clause, personal jurisdiction may not be exercised over a nonresident defendant unless the defendant has ““minimum contacts with the [forum] state and maintaining the lawsuit “does not offend traditional notions of fair play and substantial justice.”” *Bandevier v. Ford Motor Co.*, 931 N.W.2d 744, 749 (Minn. 2019) (quoting *Int’l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945)). A nonresident's contacts with a state establish personal jurisdiction, if, through its contacts, the defendant has ““purposefully availed itself of the privileges, benefits, and protections of the forum state” so that it “should reasonably anticipate being hauled into court there.” *Bandemer*, 931 N.W.2d at 749-50 (quoting *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 474-75(1985)).

Here, Mr. Studniski was served with the Summons and Complaint in this matter on November 30, 2025. (Doc. Id. No. 2). Although Mr. Studniski generally avers that he was not properly served, he has not provided an affidavit setting forth any facts that would be sufficient to create an issue of material fact as to whether he was served. The record does contain a certificate of personal service from the Stearns County Sheriff as well as the document entitled “Non-Negotiable Notice of Acceptance” stating that Mr. Studniski accepted the Summons and Complaint and included a copy of each document with Mr. Studniski’s signature on each page. The county complied with the applicable rules for service in this case. The Court therefore finds no reasonable juror could conclude that Mr. Studniski was not properly served. As such, Mr. Studniski’s motion to dismiss for insufficient service of process is hereby denied.

As to the issue of personal jurisdiction, the Court notes that Mr. Studniski not only resides in Minnesota but also owns property in Minnesota, specifically in Stearns County. That property and Mr. Studniski’s use of it are also the subject of the current lawsuit. Mr. Studniski has not provided any facts or evidence disputing such facts or has he presented any evidence

supporting a domicile or residence anywhere other than Minnesota. As such the court has both general and specific personal jurisdiction over Mr. Studniski. Thus, Mr. Studniski's motion to dismiss for lack of personal jurisdiction is hereby denied.

Sovereign Citizen Claims

Mr. Studniski has consistently maintained that he is not subject to the laws of this State nor to the jurisdiction of this Court and has filed several documents disclaiming his citizenship to that end. However, courts have consistently held that the "sovereign citizen" jurisdictional defense has "no conceivable validity in American law." *State v. Fisherman*, No. A14-1591, 2015 WL 5511390, at *2 (Minn. Ct. App. Sept. 21, 2015) (citing *United States v. Schneider*, 910 F.2d 1569, 1570 (7th Cir.1990)). Accordingly, the Court finds that Mr. Studniski is subject to the jurisdiction of this Court.

Plaintiff's Motion for Summary Judgment

Summary judgment is proper and shall be granted when the pleadings, depositions, answers to interrogatories, admissions on file, and affidavits "show that there is no genuine issue as to any material fact and that either party is entitled to a judgment as a matter of law." Minn. R. Civ. P. 56.01; 56.03. A "material fact" is one that will affect the result or outcome of the case, depending on its resolution. *Zappa v. Fahey*, 245 N.W.2d 358, 259-60 (Minn. 1976). The moving party has the burden of proof and the burden of persuasion and must establish that no genuine issue of material fact exists. *Johnson v. Winthrop Laboratories Division of Sterling Drug, Inc.*, 190 N.W.2d 77 (1971). Summary judgment is [also] appropriate when the record shows a complete lack of proof on any essential element of the plaintiff's claim. *Lubbers v. Anderson*, 539 N.W.2d 398, 401 (Minn.1995) (holding that to establish a genuine issue of

material fact the nonmoving party cannot merely make conclusory unverified statements or explain what evidence might be established at trial).

On motion for summary judgment, the court is to consider all affidavits, along with pleadings, depositions, answers to interrogatories, and admissions from the moving and non-moving parties. Minn. R. Civ. P. 56.03. In considering a motion for summary judgment, the evidence must be viewed in the light most favorable to the non-moving party. See *Nord v. Herreid*, 305 N.W.2d 337, 339 (Minn. 1981). The moving party has the burden of showing an absence of factual issues before summary judgment can be granted. *Lowry Hill Properties, Inc. v. Ashbach Const. Co.*, 194 N.W.2d 767, 774 (Minn. 1971).

When a motion for summary judgment is made and supported, the non-moving party must “present specific facts showing that there is a genuine issue for trial.” Minn. R. Civ. P. 56.05. A “genuine issue of material fact must be established by substantial evidence.” *Murphy v. Country House, Inc.*, 240 N.W.2d 507, 512 (Minn. 1976). “Substantial evidence” refers to the legal sufficiency and not the quantum of evidence. *Id.* The function of the district court on a motion for summary judgment is not to weigh the evidence or decide issues of fact, but solely to determine whether genuine factual issues exist. *DLH, Inc. v. Russ*, 566 N.W.2d 60, 70 (Minn. 1997) citing *Nord*, 305 N.W.2d at 339. Rule 56 “mandates the entry of summary judgment, after adequate time for discovery and upon motion, against a party who fails to make a showing sufficient to establish the existence of an essential element of that party’s case, and on which that party will bear the burden of proof at trial.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 321 (1986). “In such a situation, there can be no ‘genuine issues as to any material fact,’ since a complete failure of proof concerning an essential element of the non-moving party’s case necessarily renders all other facts immaterial. *Id.* at 322.

Importantly here, an adverse party cannot preserve a right to trial on the merits merely by referring to “unverified or conclusory allegations” in the pleadings or by speculating about evidence that may be developed at trial. *State Farm Fire and Cas. v. Aquila Inc.*, 718 N.W.2d 879, 887 (Minn. 2006). There is no genuine issue of material fact for trial when the non-moving party presents evidence which merely creates a metaphysical doubt as to a factual issue and which is not sufficiently probative with respect to an essential element of the non-moving party’s case to permit reasonable persons to draw different conclusions. *Id.* The party resisting summary judgment must do more than rest on mere averments. *DLH, Inc. v. Russ*, 566 N.W.2d 60 (Minn. 1997).

Here, Plaintiff has moved for summary judgment arguing there is no genuine dispute of material facts. Plaintiff noted that Mr. Studniski has admitted to conducting wedding events on his property after he was explicitly told to cease doing so as he was not in possession of the necessary permits and was in violation of the relevant ordinances. The Court concurs. Mr. Studniski submitted affidavits denying any violations of any ordinances while also asserting he is not subject to the laws of this State or the jurisdiction of this court. Moreover, though Mr. Studniski disputed the violations, his denial is based on a mistaken belief that such ordinances do not apply to him because he was on his private property and is tax-exempt, rather than any specific facts and sufficient evidence that may establish the presence of a genuine issue for trial. General denials and conclusory assertions are not enough to overcome a summary judgment motion. Because Ms. Studniski has not provided an affidavit containing any factual allegations that are more than mere averments and create a genuine issues of material fact, summary judgment in favor of Plaintiff is appropriate.

Mr. Studniski also argues that summary judgment is premature. Relevant here, the rules of civil procedure provide a mechanism by which a party opposing a summary judgment motion may request that the district court deny or continue the motion on the ground that the non-moving party should be permitted to conduct additional discovery. In particular, the rule states “should it appear from the affidavits of a party opposing the motion that the party cannot for reasons stated present, by affidavit, facts essential to justify the party's opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such other order as is just.” Minn. R. Civ. P. 56.06.

But an affidavit filed pursuant to rule 56.06 “must be specific about the evidence expected the source of discovery necessary to obtain the evidence, and the reasons for the failure to complete discovery to date.” *Molde v. CitiMortgage, Inc.*, 781 N.W.2d 36, 45 (Minn. Ct. App. 2010) (citing *Alliance for Metro. Stability v. Metropolitan Council*, 671 N.W.2d 905, 919 (Minn.App.2003)). Moreover, when considering a non-moving party's request pursuant to rule 56.06, the district court should consider two primary factors: first, whether the non-moving party is “seeking further discovery in the good faith belief that material facts will be uncovered, or ... merely engaging in a ‘fishing expedition,’” and, second, whether the non-moving party has “been diligent in obtaining or seeking discovery” before requesting denial or continuance under rule 56.06. *Id.* (citing *Rice v. Perl*, 320 N.W.2d 407, 412 (Minn.1982); *see also QBE Ins. Corp. v. Twin Homes of French Ridge Homeowners Ass'n*, 778 N.W.2d 393, 400 (Minn.App.2010)).

Mr. Studniski argues that the Plaintiff’s motion for summary judgment is premature and improper before discovery. However, the court disagrees. First and foremost, Mr. Studniski did not engage in any discovery or shown any intention to do so. He was served in November 2025

and has not served any interrogatories, requests for production of documents or requests for admission. He has not sought to take the deposition of any person. He also has not provided any affidavits indicating what evidence he expects to find in the event discovery does occur or why such evidence may lead to or create a genuine issue of material fact. Finally, the Plaintiff's motion for summary judgment asserts that there is no need for discovery as Mr. Studniski has not presented any facts that would suggest there is a genuine dispute of material facts. To that end, the Court finds the Plaintiff's motion for summary judgment is not premature.

For these reasons, Ms. Studniski's motion to dismiss is denied and Plaintiff's motion for summary judgment is granted.

L.A.M.