

HENNEPIN COUNTY
ATTORNEY'S OFFICE

March 31, 2023

The Honorable Scott S. Harris
Clerk of Court
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

Re: *Tyler v. Hennepin County* (No. 22-166)
Minnesota's Request to Include Property Records

Dear Mr. Harris:

Minnesota's request is purely one of administrative convenience, and Respondents respectfully submit it should be granted. The only question the request presents is whether Minnesota may administratively file the property records with the Court, and if so in what format. The request does not require the Court to decide the substantive question of whether to take judicial notice of the property records at issue.

As Respondents explained in their brief (at 13 n.5), the documents in question are easily available via an electronic title search for Petitioner's former property. Specifically, the mortgage is Document 7941540, the 2008 notice related to foreclosure is Document 9190910, and the homeowner's association lien is Document A10093211. Minnesota's proposal is a sensible and convenient option, but the documents are available to the Court regardless of whether they are filed with Minnesota's *amicus* brief. Respondents accordingly did not commit any "error" by citing them without attaching them.

Petitioner improperly seeks to turn this procedural motion into an opportunity to argue the merits of whether the Court *should* take judicial notice of these documents. As Respondents' brief explains (at 13)—and Petitioner does not seriously dispute—the Court has previously taken notice of public records related to land on a motion-to-dismiss posture. *See Papasan v. Allain*, 478 U.S. 265, 268 n.1 (1986). Here, taking such notice is particularly important because the records bear on Petitioner's Article III standing—they reinforce Petitioner's failure to allege any "equity" in her

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complaint. But the Court need not resolve that issue to determine the purely procedural question raised in Minnesota's letter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "RHolschuh", with a horizontal line extending to the right.

Rebecca Holschuh
Assistant Hennepin County Attorney
Counsel of Record for Respondents

cc: All Counsel of Record