

STATE OF MINNESOTA
IN SUPREME COURT
A23-1230

State of Minnesota by Rebecca
Lucero, Commissioner of the
Minnesota Department of Human Rights,

Respondent,

vs.

City of Minneapolis, Respondent,
Police Officers Federation of Minneapolis,
Respondent,
Minnesota Coalition on Government Information,
Respondent,
Communities United Against Police Brutality,
Respondent,
Ade Olumide, Petitioner.

O R D E R

Based upon all the files, records, and proceedings
herein, 1

IT IS HEREBY ORDERED that the petition of Ade
Olumide for further review is denied.

Dated: November 28, 2023 BY THE COURT:

Natalie E. Hudson

Natalie E. Hudson Chief Justice

PROCACCINI, J., took no part in the consideration or
decision of this case.

ZJ-CV-23-4177

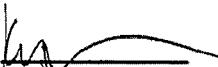
For the City of Minneapolis.

Date: March 31, 2023



JACOB FREY
Mayor, City of Minneapolis

Date: March 31, 2023



KRISTYN ANDERSON
City Attorney, City of Minneapolis

IT IS SO ORDERED.

Date: July 13, 2023



Janisch, Karen
2023.07.13 15:40:05 -05'00'

MINNESOTA
Honorable Judge of the Hennepin County District Court

JUDICIAL

MINNESOTA

**STATE OF MINNESOTA
IN COURT OF APPEALS**

FILED

September 19, 2023

**OFFICE OF
APPELLATE COURTS**

State of Minnesota by
Rebecca Lucero,

Commissioner of the Minnesota Department
of Human Rights,

SPECIAL TERM

Respondent,

ORDER¹ A23-1230

vs.

City of Minneapolis,

Respondent,

Police Officers Federation of Minneapolis,

Respondent,

Minnesota Coalition on Government

Information,

Respondent,

Communities United Against Police Brutality,

Respondent,

Ade Olumide,

Appellant.

¹ Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

Considered and decided by Larkin, Presiding Judge; Bratvold, Judge; and Wheelock, Judge.

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND FOR THE FOLLOWING REASONS:

This appeal was filed on August 18, 2023. According to the notice of appeal, appellant Ade Olumide seeks review of July 13, 2023 and August 14, 2023 orders in district court file number 27-CV-23-4177. In an August 29, 2023 order, this court questioned (a) whether appellant has standing to appeal the portion of the August 14, 2023 order striking filings requesting injunctive relief, (b) whether the August 14, 2023 order precludes appellant from requesting leave to intervene in the underlying action, and (c) if not, whether this appeal must be dismissed. The parties filed informal memoranda.

The district court administrator's register of actions indicates that, on July 13, 2023, the district court issued an order approving a settlement agreement between respondent Rebecca Lucero, the Commissioner of the Minnesota Department of Human Rights, and respondent City of Minneapolis.

On July 19, 2023, appellant filed a motion on behalf of "The Transparency Institute" requesting a permanent injunction or a "Rule 54.02 Final Order." On July 26, 2023, appellant filed a memorandum in

support of the July 19, 2023 motion. On August 2, 2023, appellant filed a notice of intervention regarding the motion. In the notice, appellant requested that the district court “transfer all Transparency Institute interests in this proceed to [appellant].” On August 7, 2023, appellant filed a request for a motion hearing. On August 14, 2023, appellant filed a letter requesting a “Rule 54.02 Final Order.”

In an order dated August 14, 2023, the district court (1) struck the July 19, July 26, August 2, August 7, and August 14 filings, (2) barred additional filings from appellant “except filings related to a motion for intervention made in [compliance] with” the rules of civil procedure and general rules of practice, (3) required that The Transparency Institute be represented by counsel or that appellant individually file documents with the appropriate filing fee, and (4) warned that the previous filings would be characterized as frivolous, if resubmitted.

1.

In the August 14, 2023 order, the district court explained that it was improper for appellant to file documents in district court in appellant’s capacity as Chair of the Board of Directors for The Transparency Institute because The Transparency Institute “can only formally appear as a party or file pleadings, motions or other documents seeking relief through an attorney licensed in the State of Minnesota.” *See Nicollet Restoration, Inc. v. Turnham*, 486 N.W.2d 753, 753 (Minn. 1992) (stating that a corporation must be represented by a licensed attorney when appearing in district court). The district court noted that

appellant could file documents in appellant's individual capacity. We agree with the district court that appellant is only permitted to file documents in appellant's individual capacity and is not permitted to file any documents on behalf of The Transparency Institute. Appellant's submissions to this court repeatedly state that he is now proceeding "as an individual."

2.

An order which grants, refuses, dissolves, or refuses to dissolve an injunction is appealable. Minn. R. Civ. App. P. 103.03(b). "To have standing to appeal, a party must be aggrieved by the decision of a court from which the party appeals." *Webster v. Hennepin County*, 910 N.W.2d 420, 434 (Minn. 2018); *In re Guardianship of Tschumy*, 853 N.W.2d 728, 734 (Minn. 2014). When the adjudication of a court injuriously affects a party's interests, that party is aggrieved and has standing to appeal. *Webster*, 910 N.W.2d at 434 (citing *In re Custody of D.T.R.*, 796 N.W.2d 509, 513 (Minn. 2011)).

Appellant argues that appellant is aggrieved by the August 14, 2023 order because it denied appellant's August 14, 2023 request under Minn. R. Civ. P. 65.01 to temporarily enjoin the July 13, 2023 order pending a decision on appellant's request for intervention. Appellant also argues that "the appeal cannot be conditional on [being] 'aggrieved'" because Minn. Stat. § 363A.33 (2022), the provision of the Minnesota Human Rights Act (MHRA) addressing civil actions, does not have an "aggrieved" requirement.

Respondents argue that The Transparency Institute is not a party to the underlying action and lacked standing to request injunctive relief. Respondents also argue that appellant is not a party and cannot represent The Transparency Institute in court proceedings because appellant is not an attorney.

Minn. R. Civ. P. 65.01 permits an applicant to request an ex parte temporary restraining order upon a showing that “immediate and irreparable injury, loss, or damage will result to the applicant before the adverse party or that party’s attorney can be heard in opposition.” Rule 65.01 does not allow a nonparty to appeal the denial of a request for injunctive relief. And the requirements in Minn. Stat. § 363A.33 for MHRA actions do not affect whether appellant has standing to appeal the August 14, 2023 order here.

Appellant is not a party to the underlying action. As a nonparty, appellant has no right to seek injunctive relief in the action and is not aggrieved by the district court’s decision to strike the filings requesting injunctive relief. Appellant therefore lacks standing to challenge the portion of the August 14, 2023 order striking the filings requesting injunctive relief.

3.

An order which, in effect, determines the action and prevents a judgment from which an appeal might be taken is appealable. Minn. R. Civ. App. P. 103.03(e). An order denying a motion to intervene as a matter of right is appealable under Minn. R. Civ. App. P. 103.03(e). *Norman v. Refsland*, 383 N.W.2d 673, 675 (Minn. 1986).

Appellant argues that the district court effectively prevented appellant from seeking injunctive relief because the relief appellant seeks is based on the “precise Transparency Institute ‘interests and pursuits’ that [were] also struck from the record.” Respondents contend that the August 14, 2023 order does not preclude appellant from filing a request to intervene that complies with Minnesota law and the rules of civil procedure.²

In the August 14, 2023 order, the district court stated that appellant could not seek intervention based on “the interests or pursuit of the Transparency Institute and proceed without counsel.” The district court explained that appellant could file a motion for intervention if it was in compliance with the rules of civil procedure and general rules of practice. The district court did not preclude appellant from requesting leave to intervene in the underlying action. Instead, it merely prohibited appellant from seeking leave to intervene on behalf of The Transparency Institute. The August 14, 2023 order is not appealable as an order denying a motion to intervene as of right.

In the alternative, appellant asks this court to grant review under Minn. R. Civ. App. P. 103.04 in the interests of justice.

² Respondents note that they do not concede that any request by appellant for leave to intervene would be timely, appropriate, or have any basis in law or fact.

Minn. R. Civ. App. P. 103.04 provides that “[o]n appeal from or review of an order the appellate courts may review any order affecting the order from which the appeal is taken and on appeal from a judgment may review any order involving the merits or affecting the judgment.” The appellate courts “may review any other matter as the interest of justice may require.” Minn. R. Civ. App. P. 103.04. “[I]f appellate review already is established, the interest-of-justice provision of rule 103.04 may expand the scope of appellate review to additional issues.” *Doe 175 ex rel. Doe 175 v. Columbia Heights Sch. Dist., ISD No. 13*, 842 N.W.2d 38, 46 (Minn. App. 2014). “But the interest-of-justice provision of rule 103.04 may not operate to establish appellate review if it is not already established.” *Id.*

Because we lack jurisdiction over the August 14, 2023 order, we cannot allow this appeal to proceed under Minn. R. Civ. App. P. 103.04. *See id.*

IT IS HEREBY ORDERED:

1. This appeal is dismissed.
2. The clerk of the appellate courts shall provide copies of this order to the Honorable Karen A. Janisch, the self-represented appellant, counsel for respondents, and the district court administrator.

Dated: September 19, 2023

BY THE COURT



Michelle A. Larkin
Presiding Judge

STATE OF MINNESOTA

FILED

IN COURT OF APPEALS

August 29, 2023

**OFFICE OF
APPELLATE COURTS**

ORDER

A23-1230

State of Minnesota by Rebecca Lucero,
Commissioner of the Minnesota Department
of Human Rights,

Respondent,

VS.

City of Minneapolis,

Respondent,

Police Officers Federation of Minneapolis,

Respondent,

Minnesota Coalition on Government
Information,

Respondent,

Communities United Against Police Brutality,

Respondent,

Ade Olumide,

Appellant.

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE THERE IS A QUESTION WHETHER THIS COURT HAS JURISDICTION:

1. This appeal was filed on August 18, 2023. According to the notice of appeal, appellant Ade Olumide seeks review of July 13, 2023 and August 14, 2023 orders in district court file number 27-CV-23-4177.
2. The district court administrator's register of actions indicates that, on July 13, 2023, the district court issued an order approving a settlement agreement between respondent Rebecca Lucero, the Commissioner of the Minnesota Department of Human Rights, and respondent City of Minneapolis. On July 19, July 26, August 2, August 7, and August 14, 2023, appellant filed documents on behalf of "The Transparency Institute" seeking injunctive relief. In an order dated August 14, 2023, and filed on August 15, 2023, the district court (1) struck the July 19, July 26, August 2, August 7, and August 14 filings, (2) barred additional filings "except filings related to a motion for intervention made in [compliance] with" the rules of civil procedure and general rules of practice, (3) required that the "institute" be represented by counsel or that appellant individually file documents with the appropriate filing fee, and (4) warned that the previous filings would be characterized as frivolous, if resubmitted.
3. An order which grants, refuses, dissolves, or refuses to dissolve an injunction is appealable. Minn. R. Civ. App. P. 103.03(b). "To have standing to appeal, a party must be aggrieved by the decision of a court from which the party appeals." *Webster v. Hennepin*

County, 910 N.W.2d 420, 434 (Minn. 2018); *In re Guardianship of Tschumy*, 853 N.W.2d 728, 734 (Minn. 2014). When the adjudication of a court injuriously affects a party's interests, that party is aggrieved and has standing to appeal. *Webster*, 910 N.W.2d at 434 (citing *In re Custody of D.T.R.*, 796 N.W.2d 509, 513 (Minn. 2011)).

4. In the August 14, 2023 order, the district court struck documents appellant filed on behalf of "The Transparency Institute" requesting injunctive relief. But the district court noted that appellant is not a party to the underlying action and is therefore not entitled to seek relief in the action. To the extent that appellant is not a party to the underlying action, it does not appear that appellant is aggrieved by the district court's decision to strike the filings requesting injunctive relief. It therefore does not appear that appellant has standing to challenge the portion of the August 14, 2023 order striking the filings requesting injunctive relief.

5. An order which, in effect, determines the action and prevents a judgment from which an appeal might be taken is appealable. Minn. R. Civ. App. P. 103.03(e). An order denying a motion to intervene as a matter of right under Minn. R. Civ. P. 24.01 is appealable under Minn. R. Civ. App. P. 103.03(e). *Norman v. Refsland*, 383 N.W.2d 673, 675 (Minn. 1986).

6. In the August 14, 2023 order, the district court explained that appellant could file a motion for intervention if it was in compliance with the rules of civil procedure and general rules of practice. It does not appear that the district court has precluded appellant from requesting leave to intervene in the

underlying action. It therefore does not appear that the August 14, 2023 order is appealable as an order denying a motion to intervene as of right.

IT IS HEREBY ORDERED:

1. On or before September 11, 2023, the parties shall serve and file (by E-MACS, if required by the supreme court's order on mandatory e-filing) signed informal memoranda addressing the following:
 - (a) Does appellant have standing to appeal the portion of the August 14, 2023 order striking the filings requesting injunctive relief?
 - (b) Does the August 14, 2023 order preclude appellant from requesting leave to intervene in the underlying action?
 - (c) If the answers to (a) and (b) are no, must this appeal be dismissed?
2. Memoranda filed after September 11, 2023, may not be considered by the court.
3. Appellant's failure to file a jurisdiction memorandum may result in such sanctions as the court deems appropriate, including dismissal of the appeal.
4. If, after completion of research, appellant concludes that this court lacks jurisdiction over the appeal, relator shall immediately file a notice of voluntary dismissal.
5. This order does not stay or extend briefing deadlines or other procedural requirements under the rules.
6. The clerk of the appellate courts shall provide copies of this order to the Honorable Karen A. Janisch,

the self-represented appellant, counsel for respondents, and the district court administrator.

Dated: August 29, 2023

BY THE COURT

Judge Renee L. Worke

Judge Renee L. Worke

REJECTED EFILING Case 27-CV-23-4177, State of Minnesota by Rebecca Lucero, Commissioner of the Minnesota Department of Human Rights vs City of Minneapolis

no- Thu, Aug
reply@efilingmail.tylertech.cloud <no- 31, 2023 at
reply@efilingmail.tylertech.cloud> 3:39 PM
To: ade@transparencyresearch.org



**MINNESOTA
JUDICIAL BRANCH**

**This message was automatically generated.
Do not reply to this e-mail.**

Your submission in case 27-CV-23-4177, State of Minnesota by Rebecca Lucero, Commissioner of the Minnesota Department of Human Rights vs City of Minneapolis has been rejected.

Reason(s) for Rejection: Incorrect Venue
Comment: Rejecting this document per Judges

File _____

In The Supreme Court Of The United States

Ade Olumide, Petitioner,

v.

State of Minnesota by Rebecca Lucero, Commissioner
of the Minnesota Department of Human Rights,
Respondent,
City of Minneapolis, Respondent,
Police Officers Federation of Minneapolis,
Respondent,
Minnesota Coalition on Government Information,
Respondent,
Communities United Against Police Brutality,
Respondent.

**On The Writ Of Certiorari
To The Minnesota Court of Appeals**

CERTIFICATE OF SERVICE

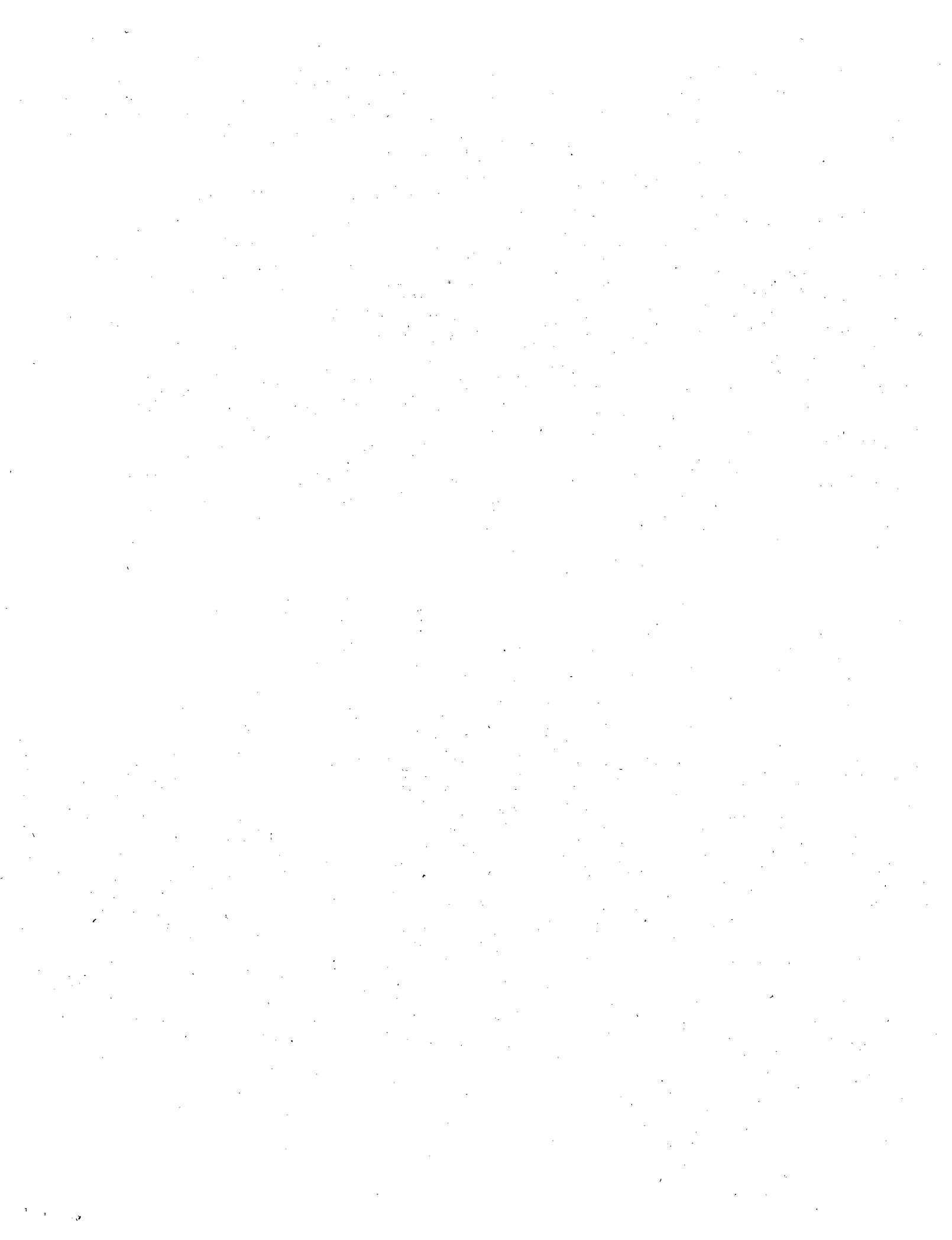
In compliance with Supreme Court Rules 29.3 and 29.5, I, Ade Olumide for Petitioner, declare under penalty of perjury that the foregoing is true and correct. That 3 copies of the Petition for Writ of Certiorari was delivered on 2024-04-26 by the US Postal Services to the persons below on the dates below to the addresses below:

Respondent, State Of Minnesota By Rebecca Lucerro, Commissioner Of The Minnesota Department Of Human Rights, c/o Megan J. McKenzie, Assistant Attorney General, Atty. Reg. No. 0388081, (651) 757-1405, megan.mckenzie@ag.state.mn.us
445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101-2131, (651) 297-4139 (Fax)

Respondent, City Of Minneapolis- Defendant Kristyn Anderson, City Attorney, Kristyn Anderson (#0267752), (612) 673-2072
kristyn.anderson@minneapolismn.gov; Minneapolis City Attorney's Office, 350 South Fifth Street, Room 210, Minneapolis, MN 55415.

Respondent, Police Officers Federation Of Minneapolis- Michels Law Firm LLC, s/ James P. Michels, James P. Michels, jim@jmichelslaw.com
Atty. No. 168749 18920 - 26th Avenue N
Minneapolis, MN 554447-1503, (763) 473-1896.

Respondent, Minnesota Coalition On Government Information- Ballard Spahr LLP, s/ Leita Walker, Leita Walker (No. 0387095), Tel: (612) 371-3211,



walkerl@ballardspahr.com 80 South Eighth Street,
2000 IDS Center, Minneapolis, MN 55402-2119.

Respondent; Communities United Against Police
Brutality (CUAPB) – s/Paul J. Bosman,
paulbosman@cuapb.org Attorney License No.
0388865, Attorney, Litigation Unit of CUAPB, 2136
Ford Parkway, #5328, St. Paul, MN 55116 Tel: (651)
485-7046,

Executed on the 30th day of April 2024



PETITIONER

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MN 55116, United States Tel +1 613 265 6360,
ade@transparencyresearch.org

