



EXHIBIT 1

MINNESOTA
JUDICIAL
BRANCH

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Molly L. Dennis,

Case No.

Plaintiff,

v.

NOTICE OF REMOVAL

City of Rochester, Patrick Keane, and
Kim Norton,

Defendant.

TO THE CLERK OF THE DISTRICT COURT OF MINNESOTA:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendants City of Rochester, Patrick Keane, and Kim Norton, by and through their attorneys, Greene Espel PLLP, remove this action from the District Court of the State of Minnesota, County of Olmsted, Third Judicial District to the United States District Court for the District of Minnesota. In support of this Notice of Removal, Defendants state as follows:

1. On January 22, 2024, Defendant City of Rochester received via hand delivery a copy of Plaintiff's Summons and Complaint in this action, entitled *Molly L. Dennis v. City of Rochester, Patrick Keane, and Kim Norton*, Court File No. 55-CV-24-488, District Court of the State of Minnesota, County of Olmsted, Third Judicial District (the "State Court Action"). Defendants Keane and Norton also received

copies of the Summons and Complaint. Plaintiff filed the State Court Action on January 22, 2024.

2. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders delivered upon Defendants or filed in the State Court Action are attached as Exhibit A. Plaintiff's Complaint was the first paper from which Defendants could ascertain that the lawsuit was removable.

3. This petition for removal is filed within 30 days from the date upon which each Defendant received a copy of the Complaint, and is therefore timely filed under 28 U.S.C. § 1446(b).

4. Plaintiff's Complaint alleges claims that arise under multiple federal statutes: the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12101 et seq.; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.; the Civil Rights Act of 1991; the Lilly Ledbetter Fair Pay Act of 2009, and 42 U.S.C. § 1981. (See Exhibit A, Compl. ¶¶ 11, 21.) Accordingly, this Court has original jurisdiction over Plaintiff's alleged claims under 28 U.S.C. § 1331, and Defendants may remove this action to this Court under 28 U.S.C. § 1441.

5. This Court has supplemental jurisdiction over Plaintiff's other claims under 28 U.S.C. § 1367 because the other claims are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution. *See generally* Compl. No reasons

exist for this Court to decline supplemental jurisdiction. See 28 U.S.C. § 1367(c).

6. Pursuant to 28 U.S.C. § 1441, this action is properly removed to this Court and venue is proper in this Court because this Court has jurisdiction over Plaintiff's claims and Defendants have removed the case to the District Court of the United States for the district embracing the state court where the action was pending.

7. Promptly after filing this Notice of Removal, Defendants will serve a copy of it on Plaintiff and will file a copy with the clerk for the State of Minnesota Third Judicial District. A true and correct copy of the Notice of Filing of Removal is attached here as Exhibit B.

8. This Notice of Removal is filed subject to and with full reservation of rights, including but not limited to defenses and objections to improper or lack of service of process. No admissions are intended hereby, and all defenses, motions, and pleas are expressly reserved.

9. This Notice of Removal is signed in compliance with Fed. R. Civ. P 11.

WHEREFORE, Defendants City of Rochester, Patrick Keane, and Kim Norton respectfully notice the Court, the state court, and Plaintiff of the removal of this action from the District Court of the State of Minnesota, County of Olmsted, Third Judicial District to the United States District Court for the District of Minnesota.

Dated: February 12, 2024

GREENE ESPEL PLLP

s/ Jenny Gassman-Pines

Jenny Gassman-Pines, Reg. No. 0386511

Erin R. Emory, Reg. No. 0401215

222 S. Ninth Street, Suite 2200

Minneapolis, MN 55402

jgassman-pines@greeneespel.com

eemory@greeneespel.com

(612) 373-0830

Attorneys for Defendants City of
Rochester, Patrick Keane, and Kim
Norton

MINNESOTA
JUDICIAL
BRANCH



EXHIBIT A

MINNESOTA
JUDICIAL
BRANCH



Olmsted County Sheriff's Office

CIVIL DIVISION

101 4th St SE
Rochester, MN 55904
507-328-6820Filed in District Court
State of Minnesota

JAN 22 2024

55cv24488

RECEIPT

Originator: Molly Lefholz Dennis
412 26th Street NW
Rochester MN 55901**Payment Date:** 1/22/2024**Payment Type:** Check**Check Number:** 2422**Receipt Number:** 11376**Payment Amount:** \$ 300.00

Summons & Complaint Service to City of Rochester, Patrick Keane and Kim Norton

RE:**Sheriff #:****Plaintiff:****Defendant:****Action Type:****Payment Applied:** \$300.00MINNESOTA
JUDICIAL
BRANCH

Filed in District Court
State of Minnesota

JAN 22 2024

State of Minnesota

District Court

County of Olmsted

Third Judicial District

Molly L. Dennis,

Court File Number: 55-CV-24-488
Discrimination

Plaintiff,

vs.

Summons

City of Rochester, Patrick Keane,
and Kim Norton,

Defendants.

THIS SUMMONS IS DIRECTED TO THE ABOVE-NAMED DEFENDANTS:

1. **YOU ARE BEING SUED.** The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this summons.

2. **YOU MUST REPLY WITHIN 21 DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed this summons a **written response** called an Answer within 21 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this summons located at:

412 26th Street NW, Rochester, MN. 55901

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.** If you do not Answer within 21 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the Complaint.

5. **LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get

legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

6. ALTERNATIVE DISPUTE RESOLUTION. The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

Plaintiff, *pro se*

22 January 2024

Dated

Molly L. Dennis, *pro se*
Print or type plaintiff's attorney's name

MINNESOTA
JUDICIAL
BRANCH

STATE OF MINNESOTA
COUNTY OF OLMTED

DISTRICT COURT
THIRD JUDICIAL DISTRICT

Molly L. Dennis,

Plaintiff,

Court File No.:

vs.

City of Rochester, Patrick Keane,
and Kim Norton,

Defendants.

COMPLAINT

Plaintiff Molly Dennis (“Dennis”) for her civil action against the Defendants, and each of them, states and alleges as follows that:

FACTS

1. At all times relevant herein, Dennis was a member of the Rochester City Council and, in that capacity, was an employee within the meaning of state and federal statutes because Defendants, and each of them, as well as their employees and agents, treated her as an employee and not as an elected public official.

2. At all times relevant herein, Defendant Kim Norton (“Norton”) was the Mayor of the City of Rochester.

3. At all times relevant herein, Defendant Patrick Keane (“Keane”) was an elected member of the Rochester City Council.

4. At all times relevant herein, Dennis suffered from Attention Deficit Hyperactivity Disorder (“ADHD”), a recognized disability under state and federal law.

5. Defendants, together with their employees and agents, have intentionally discriminated against Dennis on account of her disability by, *inter alia*, reprimanding and punishing her for her difficulty focusing, short attention span, struggle linear processing, executive functioning deficit, hyperactivity, and other well-known characteristics of ADHD. A severe criticism of Dennis by Defendants and others is that “she wastes staff time” example given was Dennis asks too many questions. The requirement of needing additional time for processing, explaining, and clarifying information is a common consequence of people diagnosed with ADHD.

6. On or about 6 March 2023 Defendants censured Dennis for her actions and behaviors that were directly caused by and related to her ADHD disability as noted above. The March 6th censure writ-

ten and approved by Rochester city staff, was brought to City Council by Keane ambushing Dennis without her prior knowledge and without following due process. This clearly improper and probably illegal censure imposed harsh limitations and unprecedented restrictions that had the intended affect of demoting Dennis to employee status and which, in addition, has prevented Dennis from carrying out her constitutional and statutory duties as an elected public official. For example, Dennis, unlike all other council members, is prohibited from directly asking questions to over 900 city staff members. This is a critically important function of an elected public official and is normally done to understand complex city issues and respond to concerns from constituents. If Dennis has a question concerning a city legal matter, Dennis must, after writing a question on a sheet of paper, place the paper in an envelope in the mailbox of City Attorney Michael Spindler-Krage (“Spindler-Krage”) at the City Government Center. Another example, the City Administrator Alison Zelms (“Zelms”) sent an official email on 26 December 2023 to City Councilmembers and delivered it to city leadership staff which contained stringent rules that would place further restriction on how Dennis communicates information with staff, controlling Dennis’s freedom of speech, limiting

information, and restraining essential job functions indefinitely. In addition to dictating who Dennis can talk with in 2024, what topics are discussed, and lengths of staff interaction, Zelms' email also states: "2. *The meetings will occur virtually unless the designee or I approve an exception.*" Depending on the city concern/issue, it is often essential for councilmembers to meet in-person within the community with city staff thus this virtual restriction hindering Dennis ability to address constituents' concerns. This administrative order targeted Dennis along with harsh additional constraints that make it impossible for Dennis to effectively do her job in the future. Even though Spindler-Krage and Zelms are unelected city officials, they retain, by requiring this convoluted and humiliating process and regulations, sole authority over whether Dennis can ask a question of the city staff, what question or topics are allowed, and if Dennis is able to perform basic/essential tasks of her job. In this way, as well as many others, employees and agents of the City of Rochester have exercised and continue to exercise direct control over an elected city official, in effect negating the votes of the persons who voted for Dennis in the most recent city election.

7. Dennis has frequently and repeatedly complained to Defendants, as well as their employees and agents, about their intentional discrimination against her on account of her disability. None of the complaints have resulted in any retraction of discriminating behavior against Dennis or remedial action to accommodate Dennis's disability. The action Defendants have taken is to have hired a captive law firm to whitewash their discriminatory actions and Defendants' own bad behavior. And, as a result of said complaints, Defendants have repeatedly engaged in reprisals and retaliation against Dennis making it virtually impossible for her to discharge her duties as an elected public official. In one unusual and highly reprehensible form of retaliation, Spindler-Krage saw to it that unverified and defamatory averments made by Dennis's ex-spouse in a dissolution proceeding were widely published as though they were true.

8. In addition to having, both verbally and in writing, opposed the discrimination committed against her by Defendants, Dennis has often, frequently, and very publicly opposed discrimination against any protected party, both inside and outside of government. Defendants refuse to recognize that discrimination in any form exists

in Rochester, hoping not to sully in any way the City's reputation in the age of Destination Medical Center.

9. Defendants, their employees and agents, have maliciously, intentionally, and frequently furnished false information about Dennis to the Rochester Post-Bulletin and other media outlets sympathetic to city government. For example, Norton, in a brazen attempt to defame and injure Dennis, as well as to destroy her chances for reelection, told a lawyer from the City's captive law firm that Dennis "had fixed a ticket," a statement that was subsequently published in the Rochester Post-Bulletin distributed in print and on-line on or about 30 June 2023. Norton knew this denigrating statement was false or made it without knowledge of its truth or falsity.

9. As a direct result of Defendants' illegal and tortious conduct, Dennis has and continues to endure mental anguish and suffering as well as other extensive damages.

COUNT I.

10. Dennis re-alleges Paragraphs 1 – 9 in the within
COUNT.

11. Defendants, and each of them, have violated the provisions of the Americans with Disabilities Act ("ADA"), 42 U.S.C. Sec.

12101, *et seq.*, by intentionally discriminating against Dennis on account of her disability, all to her damages.

COUNT II.

12. Dennis re-alleges COUNT I in the within COUNT.

13. Defendants, and each of them, have violated the provisions of Minn. Stat. Sec. 363A.08 by intentionally discriminating against Dennis on account of her disability, all to Dennis's damages.

COUNT III.

14. Dennis re-alleges COUNTS I – II in the within COUNT.

15. Defendants, and each of them, by preventing Dennis from carrying out the duties of the office to which she was elected which prevents her from fully accessing public services, have violated the provisions of Minn. Stat. Sec. 363A.12, all to Dennis's damages.

COUNT IV.

16. Dennis re-alleges COUNTS I – III in the within COUNT.

17. Defendants, and each of them, by intentionally and without justification retaliating against Dennis because she has opposed discrimination, both of herself and others, have violated the provisions of Minn. Stat. Sec. 363A.15, all to Dennis's damages.

COUNT V.

18. Dennis re-alleges COUNTS I – IV in the within COUNT.

19. Defendants, and each of them, by refusing to make a reasonable accommodation for Dennis's known disability, have violated Minn. Stat. Sec. 363.09, Subd. 6.

COUNT VI.

20. Dennis re-alleges COUNTS I – V in the within COUNT.

21. Defendants, and each of them, have , for the reasons noted above, violated the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e, *et seq.*, as amended, the Civil Rights Act of 1991, the Lily Ledbetter Fair Pay Act of 2009, and 42 U.S.C. 1981, all to Dennis's damages.

COUNT VII.

22. Dennis re-alleges COUNTS I – VI in the within COUNT.

23. Norton's published statement that Dennis "fixed a ticket" was, as noted above, knowingly false when published or made without knowledge of its truth or falsity.

24. Norton's published statement about Dennis's fixing a ticket is an allegation that Dennis committed a criminal act under Minn. Stat. Sec. 609.43. As such, Dennis is entitled to recover damages from Norton without proof of special damages.

25. As a direct result of Norton's defamatory statement, made with actual malice, Dennis has been and continues to be damaged.

26. Because of Norton's deliberate disregard for her rights and safety, Dennis is entitled to move at the appropriate time to amend her Complaint to assert a claim of punitive damages against Norton pursuant to Minn. Stat. Secs. 549.191 and 549.20

COUNT VIII.

27. Dennis re-alleges COUNTS I – VII in the within COUNT.

28. By their actions as noted above, Defendants, and each of them, together with their employees and agents, by, *inter alia*, demoting Dennis to employee status without due process, have violated Minn. Stat. Secs. 205.07, 412.191, and Articles 1 and 8 of the Minnesota Constitution, all to Dennis's damages.

WHEREFORE, Plaintiff demands judgment against Defendants, and each of them, as follows:

1. For compensatory damages in an amount in excess of \$50,000 on each COUNT herein;
2. For injunctive relief under the state and federal laws cited above as the court deems appropriate;

3. For costs of investigation and attorney fees 29 U.S.C. Sec. 2617, Minn. Stat. Sec. 363.14, and 42 U.S.C. 1981a;
4. For pre-verdict interest as permitted by Minn. Stat. Sec. 549.09;
5. For her costs and disbursements incurred herein; and,
6. For such other and further relief as the court may deem just and equitable.

ACKNOWLEDGEMENT

The undersigned acknowledges, in accordance with Minn. Stat. Sec. 549.211(1), that costs, disbursements, and reasonable attorney and witness fees may be awarded to the opposing party or parties pursuant to Minn. Stat. Sec. 549.211(2).

DATE: 22 January 2024



Molly L. Dennis, *pro se*
412 26th Street NW
Rochester, MN. 55901
507-269-2916
mollydennis13@gmail.com

State of Minnesota
Olmsted County

District Court
Third Judicial District

Court File Number: **55-CV-24-488**

Case Type: Discrimination

FILE COPY

**Notice of Case Filing and
Assignment**

Molly Lefholz Dennis vs Patrick Keane, Kim Norton, City of Rochester

Date Case Filed: **January 22, 2024**

Court file number **55-CV-24-488** has been assigned to this matter. All future correspondence must include this file number, the attorney identification number, and must otherwise conform to format requirements or they WILL BE RETURNED. Correspondence and communication on this matter should be directed to the following court address:

**Olmsted County Court Administration
151 Southeast 4th Street, 4th Floor
Rochester MN 55904**

Assigned to: **Judge Christina K. Stevens**

If ADR applies, a list of neutrals is available at www.mncourts.gov (go to Alternative Dispute Resolution) or at any court facility. Please direct all scheduling inquiries on this matter to Assignment at (507) 722-7325.

Dated: January 23, 2024

Hans Holland
Court Administrator
Olmsted County District Court

cc: Molly Lefholz Dennis
Patrick Keane
Kim Norton
City of Rochester

2024.01.24

12:39:17

-06'00'

Filed in District Court
State of MinnesotaState of Minnesota
Olmsted CountyDistrict Court
Third Judicial DistrictCourt File Number: **55-CV-24-488**

Case Type: Discrimination

**Molly L. Dennis vs Patrick Keane, Kim
Norton, City of Rochester**☒ **Order**☐ **On Notice of Removal**☐ **On Affidavit of Prejudice**☒ **On Notice of Recusal**☒ **Notice of Recusal**

☐ 1. The request for removal is granted based on ☐ timely filing of
Notice of Removal OR ☐ Affidavit of Prejudice.

☐ 2. The request for removal is denied for the following reasons:

☐ not timely filed

☐ other:

☒ 3. I recuse myself from the above-entitled case.

Hayne, Lisa

2024.01.24 11:04:39

-06'00'


Lisa Hayne
Judge of District Court

Filed in District Court
State of Minnesota2024.01.24
15:13:05 -06'00'State of Minnesota
Olmsted CountyDistrict Court
Third Judicial DistrictCourt File Number: **55-CV-24-488**

Case Type: Discrimination

**Molly L. Dennis vs Patrick Keane, Kim
Norton, City of Rochester**

- ☒ **Order**
- ☐ **On Notice of Removal**
- ☐ **On Affidavit of Prejudice**
- ☒ **On Notice of Recusal**
- ☒ **Notice of Recusal**

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Notice of Removal OR ☐ Affidavit of Prejudice.

☐ 2. The request for removal is denied for the following reasons:

☐ not timely filed

☐ other:

☒ 3. I recuse myself from the above-entitled case.



Daily, Christa
2024.01.24 10:53:53 -06'00'

Christa M. Daily
Judge of District Court

State of Minnesota
Olmsted County

District Court
Third Judicial District

Court File Number: **55-CV-24-488**

Case Type: Discrimination

FILE COPY

Notice of:

<input checked="" type="checkbox"/>	Filing of Order
<input type="checkbox"/>	Entry of Judgment
<input type="checkbox"/>	Docketing of Judgment

Molly L. Dennis vs Patrick Keane, Kim Norton, City of Rochester

You are hereby notified that the following occurred regarding the above-entitled matter:

<input checked="" type="checkbox"/>	An Order was filed on January 24, 2024.
<input type="checkbox"/>	Judgment was entered on .
<input type="checkbox"/>	You are notified that judgment was docketed on at in the amount of \$. Costs and interest will accrue on this amount from the date of entry until the judgment is satisfied in full.

Dated: January 24, 2024

Hans Holland
Court Administrator
Olmsted County District Court
151 Southeast 4th Street, 4th Floor
Rochester MN 55904
507-722-7264

cc: Molly L. Dennis
Patrick Keane
Kim Norton
City of Rochester

A true and correct copy of this Notice has been served pursuant to Minnesota Rules of Civil Procedure, Rule 77.04.

State of Minnesota
Olmsted County

District Court
Third Judicial District

Court File Number: **55-CV-24-488**

Case Type: Discrimination

FILE COPY

Notice of:

<input checked="" type="checkbox"/>	Filing of Order
<input type="checkbox"/>	Entry of Judgment
<input type="checkbox"/>	Docketing of Judgment

Molly L. Dennis vs Patrick Keane, Kim Norton, City of Rochester

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Dated: January 24, 2024

Hans Holland
Court Administrator
Olmsted County District Court
151 Southeast 4th Street, 4th Floor
Rochester MN 55904
507-722-7264

cc: Molly L. Dennis
Patrick Keane
Kim Norton
City of Rochester

A true and correct copy of this Notice has been served pursuant to Minnesota Rules of Civil Procedure, Rule 77.04.

State of Minnesota
Olmsted County

District Court
Third Judicial District

Court File Number: **55-CV-24-488**

Case Type: Discrimination

**Molly L. Dennis vs Patrick Keane, Kim
Norton, City of Rochester**

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☐ **On Affidavit of Prejudice**
☒ **On Notice of Recusal**
☒ **Notice of Recusal**

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☐ 2. The request for removal is denied for the following reasons:

☐ not timely filed

☐ other:

☒ 3. I recuse myself from the above-entitled case.

King, Pam

2024.01.24 13:42:59

-06'00'


Pamela A. King
Judge of District Court

State of Minnesota
Olmsted County

District Court
Third Judicial District

Court File Number: **55-CV-24-488**

Case Type: Discrimination

FILE COPY

Notice of:

<input checked="" type="checkbox"/>	Filing of Order
<input type="checkbox"/>	Entry of Judgment
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Molly L. Dennis vs Patrick Keane, Kim Norton, City of Rochester

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Dated: January 24, 2024

Hans Holland
Court Administrator
Olmsted County District Court
151 Southeast 4th Street, 4th Floor
Rochester MN 55904
507-722-7264

cc: Molly L. Dennis
Patrick Keane
Kim Norton
City of Rochester

A true and correct copy of this Notice has been served pursuant to Minnesota Rules of Civil Procedure, Rule 77.04.

State of Minnesota
Olmsted County

District Court
Third Judicial District

Court File Number: **55-CV-24-488**

Case Type: Discrimination

**Molly L. Dennis vs Patrick Keane, Kim
Norton, City of Rochester**

- ☒ **Order**
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☒ **Notice of Recusal**

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☐ not timely filed

☐ other:

☒ 3. I recuse myself from the above-entitled case.

Wallace, Katherine

Katherine M. Wallace

2024.01.24 11:56:04
-06'00'

Katherine M. Wallace
Judge of District Court

State of Minnesota
Olmsted County

District Court
Third Judicial District

Court File Number: **55-CV-24-488**

Case Type: Discrimination

FILE COPY

Notice of:

<input checked="" type="checkbox"/>	Filing of Order
<input type="checkbox"/>	Entry of Judgment
<input type="checkbox"/>	Docketing of Judgment

Molly L. Dennis vs Patrick Keane, Kim Norton, City of Rochester

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Dated: January 24, 2024

Hans Holland
Court Administrator
Olmsted County District Court
151 Southeast 4th Street, 4th Floor
Rochester MN 55904
507-722-7264

cc: Molly L. Dennis
Patrick Keane
Kim Norton
City of Rochester

A true and correct copy of this Notice has been served pursuant to Minnesota Rules of Civil Procedure, Rule 77.04.

Filed in District Court
State of Minnesota

13:10:41

-06'00'

State of Minnesota
Olmsted CountyDistrict Court
Third Judicial DistrictCourt File Number: **55-CV-24-488**

Case Type: Discrimination

**Molly L. Dennis vs Patrick Keane, Kim
Norton, City of Rochester**

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☒ 3. I recuse myself from the above-entitled case.

Stevens, Christina



2024.01.24

11:33:13 -06'00'

Christina . Stevens
Judge of District Court

State of Minnesota
Olmsted County

District Court
Third Judicial District

Court File Number: **55-CV-24-488**

Case Type: Discrimination

FILE COPY

Notice of:

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<input type="checkbox"/>	Docketing of Judgment

Molly L. Dennis vs Patrick Keane, Kim Norton, City of Rochester

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Dated: January 24, 2024

Hans Holland
Court Administrator
Olmsted County District Court
151 Southeast 4th Street, 4th Floor
Rochester MN 55904
507-722-7264

cc: Molly L. Dennis
Patrick Keane
Kim Norton
City of Rochester

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Filed in District Court
State of Minnesota

January 24, 2024

State of Minnesota
Olmsted CountyDistrict Court
Third Judicial DistrictCourt File Number: **55-CV-24-488**

Case Type: Discrimination

**Molly L. Dennis vs Patrick Keane, Kim
Norton, City of Rochester**

- ☒ **Order**
- ☐ **On Notice of Removal**
- ☐ **On Affidavit of Prejudice**
- ☒ **On Notice of Recusal**
- ☒ **Notice of Recusal**

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☐ 2. The request for removal is denied for the following reasons:

☐ not timely filed

☐ other:

☒ 3. I recuse myself from the above-entitled case.

Allen, Jacob

2024.01.24

12:53:55 -06'00'

Jacob C. Allen

Judge of District Court

State of Minnesota
Olmsted County

District Court
Third Judicial District

Court File Number: **55-CV-24-488**

Case Type: Discrimination

FILE COPY

Notice of:

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Molly L. Dennis vs Patrick Keane, Kim Norton, City of Rochester

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Dated: January 25, 2024

Hans Holland
Court Administrator
Olmsted County District Court
151 Southeast 4th Street, 4th Floor
Rochester MN 55904
507-722-7264

cc: Molly L. Dennis
Patrick Keane
Kim Norton
City of Rochester

A true and correct copy of this Notice has been served pursuant to Minnesota Rules of Civil Procedure, Rule 77.04.

State of Minnesota
Olmsted County

District Court
Third Judicial District

Court File Number: **55-CV-24-488**

Case Type: Discrimination

FILE COPY

**Notice of Judicial
Reassignment**

Molly L. Dennis vs Patrick Keane, Kim Norton, City of Rochester

This case is reassigned to:

Judge Joseph F. Chase
151 Southeast 4th Street, 4th Floor
Rochester MN 55904

All future hearings shall be scheduled before this judicial officer. Please direct all scheduling inquiries on this matter to Assignment at (507) 722-7325.

Please note that a notice to remove this judicial officer must comply with Minnesota Rules of Civil Procedure 63.03 and Minnesota Statute § 542.16.

Dated: January 25, 2024

Hans Holland
Court Administrator
Olmsted County District Court

A O M N N O A
CO N O O L M D

D R C CO R
C V L D V ON
RD D C AL D R C

Molly L. Dennis,
Plaintiff,

Court File No. 55-CV-24-488

vs

Patrick Keane, Kim Norton,
City of Rochester
Defendants.

SCHEDULING ORDER

This matter came before the undersigned on January 30, 2024 for a scheduling order. Based upon the information presented,

R O R D

1. March 1, 2024
Deadline for filing all required documents, pursuant to Minnesota Rules of Civil Procedure 5.04. This includes complaints, answers, and third-party pleadings, but does not include discovery documents.

This deadline shall be extended, if necessary, to conform with timelines allowed by the Minnesota Rules of Civil Procedure for answers and other responsive pleadings.
2. March 16, 2024
Deadline for joining additional parties or amending the pleadings.
3. March 29, 2024
Deadline for designating expert witnesses.
4. May 31, 2024
Deadline for completion of DISCOVERY.
5. June 14, 2024
NONDISPOSITIVE motion hearings shall be scheduled so that they are heard by this date.
Failure to schedule a timely motion will not be grounds for extension of the deadline. No motion will be heard unless the parties attempt to resolve the matter prior to the hearing. The moving party shall certify compliance in writing to the court.
6. June 14, 2024
DISPOSITIVE motion hearings shall be scheduled so that they are heard by this date.
Failure to schedule a timely motion will not be grounds for extension of the deadline. No motion will be heard unless the parties attempt to resolve the matter prior to the hearing. The moving party shall certify compliance in writing to the court.
7. July 12, 2024
Deadline for completion of Alternative Dispute Resolution.

The court expects the parties to agree to an ADR process and neutral. If the parties cannot agree, they are to notify the court in writing well in advance of the deadline for completion of ADR, and the undersigned will schedule a conference to address the same.

All parties and individuals with authority to settle must appear in person for the ADR process—no exceptions. The court will impose consequences for those who do not appear as ordered, such as sanctions, dismissal, or default judgment.

8. September 6, 2024 Deadline for filing motions in limine, proposed jury instructions and special verdict forms, findings of fact, witness list, and exhibit list.
9. September 6, 2024 Deadline for submitting a joint statement of the case.
10. September 20, 2024 Pretrial conference, Courtroom 6A, 2:30 p.m.
Parties should come prepared to address any motions in limine filed with the Court.
11. September 30, 2024 Deadline for completion of trial depositions.
12. September 30, 2024 Trial (week of), Courtroom 6C.
This matter shall be tried to a jury.

The deadlines set forth in this order may be extended only by leave of the court. The court will not consider a stipulation to amend that does not provide for a minimum of 104 days between the dispositive motion deadline and the pretrial conference. A party seeking to modify this order absent an agreement of the parties must file a formal motion to amend.

C O R

Chase, Joseph

2024.01.30

15:29:36 -06'00'

Joseph F. Chase
Judge of District Court

State of Minnesota
Olmsted County

Filed in District Court
State of Minnesota
2/7/2024

District Court
Third Judicial District

Court File Number: **55-CV-24-488**

Case Type: Discrimination

Deficiency Notice – Civil Case

FILE COPY

Molly L. Dennis vs Patrick Keane, Kim Norton, City of Rochester

Return of Documents:

- ☐ Your _____ is being returned at the discretion of the judge / judicial officer.
 - ☐ You previously filed these documents electronically. The originals are not to be filed but must be maintained by you to be made available to the court or any party upon request (Rules of Civil Procedure 5.05).
 - ☐ These documents are required to be filed through eFile and Serve (eFS) (General Rules of Practice 14.01).
-

Rejection of Documents (Rules of Civil Procedure 5.04):

- ☐ Documents submitted to the wrong court for filing.
 - ☐ Incorrect court file number.
 - ☐ No or insufficient filing fee. The fee to file is \$ _____.
 - ☒ Discovery submission not authorized by court, and there is no court rule permitting the submission.
 - ☐ The document(s) contain a restricted identifier or other non-public information submitted in violation of Rules 11.02, 11.03, or 11.04 (Rules of Civil Procedure 5.04(4)).
 - ☐ You submitted public document(s) that contain restricted identifiers (such as social security numbers, employer identification numbers, and financial account numbers). The restricted identifiers must be redacted from the document(s). You must resubmit the redacted document(s) and submit the restricted identifiers on Confidential Information Form 11.1.
 - ☐ You submitted non-public document(s) (such as a W-2, pay stubs, bank statements, and tax returns) without the Cover Sheet for Non-Public Documents (Form 11.2). You must re-submit the non-public documents along with the Cover Sheet for Non-Public Documents (Form 11.2).
-

We are Unable to Provide the Requested Service:

- ☐ Judgment cannot be docketed without an Affidavit of Identification of Judgment Debtor.

- ☐ You have requested attorney fees. You must submit a proposed order and required supporting documentation.
 - ☐ The original Note/Draft/Bill of Exchange is required (Rules of Civil Procedure 55.01(e)).
 - ☐ No or insufficient fee. The fee for this service is \$.
 - ☐ Other: .
-

Your document(s) has / have been accepted, but the following issues have been identified and need to be corrected. Please respond promptly.

- ☐ At your court appearance Judge / Judicial Officer directed you to file by date. The document(s) has/have not been filed and the judge / judicial officer has determined .
 - ☐ There has been no activity in this case since . Please advise of status or intended action within 30 days of this notice.
 - ☐ You filed a document by fax on , a fax fee of \$25 is due within five days of filing in addition to any fees noted above.
 - ☐ Document(s) is / are not signed.
 - ☐ The document(s) submitted is / are of poor quality, illegible, or otherwise unusable, as follows: . Another version of the document(s) (may / must) be submitted.
 - ☐ Other:
-

Your document(s) has / have been accepted, but the document security has been changed.

- ☐ You filed a document on as a non-public document. Your document(s) has / have been accepted, but the document security that you incorrectly designated as confidential or sealed has been changed to public. Review the Rules of Public Access to Case Records and the Access to Case Records Table for information on what court filings are considered non-public. Court records are presumed public unless there is a statute, court rule, or court order that allows a filing to be treated as confidential or sealed. If e-Filing documents, consult the list of filing codes within the Civil Case Type Index (includes civil, family, and probate case types) to find the appropriate filing code. The Civil Case Type Index can be accessed at www.mncourts.gov/efile and then click the "eFile and eServe Resources" tab.
- ☐ You filed a Confidential Information Form 11.1 or Cover Sheet for Non-Public Documents (Form 11.2) on with the intent to keep information non-public when there is no basis to do so and that information must be publicly accessible under court rules. Form 11.1 must only be used for filing restricted identifiers as set forth under Minn. Gen. R. Prac. 11. Form 11.2 must only be used when submitting non-public documents. There must be specific legal authority that authorizes the classification of a document as non-public. Both Form 11.1 and Form 11.2 have limited purposes and they cannot be used as a means to treat public information or documents as non-public.

A filer must first ask the court to approve their request to submit a document for filing as "confidential" or "sealed" unless that document is a non-public document under court

rules, court order, or other applicable law. See Minn. Gen. R. Prac. 11.04; 14.06. If no such rule, statute, or court order exists, the information is public.

Olmsted County District Court
151 Southeast 4th Street, 4th Floor
Rochester MN 55904

Make checks for payment of fees to Court Administrator. Please do not mail cash. Note file number on check. We will proceed to process this matter for you when any deficiencies as noted above have been resolved. Refer to www.mncourts.gov for forms and instructions. If your case is heard by the Court and you did not pay your fees, those fees that are owed and unpaid may be referred for collection and collection costs. If the matter proceeds without payment of a required fee, the court may refer the fee for collection and collection costs will be added. Minn. Stat. § 480.15, subd. 10c.

Dated: February 07, 2024

Hans Holland
Court Administrator
Olmsted County District Court
507-722-7264

CC: Molly L. Dennis

MINNESOTA
JUDICIAL
BRANCH



EXHIBIT B

MINNESOTA
JUDICIAL
BRANCH

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF OLMSTED

THIRD JUDICIAL DISTRICT

Case Type: Discrimination

Molly L. Dennis,

Case No. 55-CV-24-488
(The Honorable Christina K. Stevens)

Plaintiff,

v.

**NOTICE OF FILING
NOTICE OF REMOVAL**

City of Rochester, Patrick Keane, and Kim
Norton,

Defendants.

TO: The Court Administrator, District Court of the State of Minnesota, Olmsted County,
Third Judicial District.

PLEASE TAKE NOTICE, that pursuant to 28 U.S.C. § § 1331, 1441, and 1446, the
above-captioned action was removed to the United States District Court for the District of
Minnesota on February 12, 2024, upon the service and filing of the Notice of Removal, a
true and correct copy of which is attached as Exhibit 1.

PLEASE TAKE FURTHER NOTICE that, pursuant to 28 U.S.C. § 1446(d), the filing
of the Notice of Removal in the United States District Court, and the filing of a copy of the
Notice of Removal with this Court, this Court should proceed no further unless and until
this case is remanded.

Dated: February 12, 2024

GREENE ESPEL PLLP

s/ Jenny Gassman-Pines
Jenny Gassman-Pines, Reg. No. 0386511
Erin R. Emory, Reg. No. 0401215
222 S. Ninth Street, Suite 2200
Minneapolis, MN 55402
jgassman-pines@greeneespel.com
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(612) 373-0830

Attorneys for Defendants City of Rochester,
Patrick Keane, and Kim Norton

ACKNOWLEDGMENT

The undersigned hereby acknowledges that pursuant to Minn. Stat. § 549.211, Subd. 3, sanctions may be imposed if, after notice and a reasonable opportunity to respond, the Court determines that the undersigned has violated the provisions of Minn. Stat. § 549.211, Subd. 2.

s/ Jenny Gassman-Pines
Jenny Gassman-Pines