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June 26, 2018

The Honorable Wilhelmina M. Wright  
U.S. District Judge, District of Minnesota  
United States District Court  
334 Federal Building  
316 N. Robert Street  
St. Paul, MN 55101

**Re: *Dwight D. Mitchell, et al. vs. Dakota County Social Services, et al.***  
**Case No. 18-cv-1091 (WMW/BRT)**

Dear Judge Wright:

My name is Kathryn Iverson Landrum, and I represent Defendants Commissioner Emily Piper, Jacob Trotzky-Sirr, and Tanya Derby (“State Defendants”) in the above-captioned matter. I write in response to the letter filed by Plaintiffs on June 5, 2018, requesting permission to file a pre-discovery motion for partial summary judgment on their facial constitutional challenges. (Doc. 9.) State Defendants oppose this request. Indeed, for the reasons stated in State Defendants’ motion to dismiss, Plaintiffs lack standing to assert their facial constitutional challenges, which also fail as a matter of law.

Regardless, even if this Court denies State Defendants’ pending motion to dismiss, discovery would be needed before this Court can rule on summary judgment. This is because standing must be factually supported before this Court may exercise jurisdiction over Plaintiffs’ constitutional claims. As the Supreme Court recently held, the “facts necessary to establish standing . . . must not only be alleged at the pleading stage, but also proved at trial.” *Gill v. Whitford*, \_\_S. Ct. \_\_, 2018 WL 3013807, at \*14 (June 18, 2018). Accordingly, for these reasons, State Defendants respectfully request that the Court deny Plaintiffs’ request to file a partial motion for summary judgment at this time.

Sincerely,

*s/ Kathryn Iverson Landrum*  
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