Filed in District Court
State of Minnesota
3/4/2026 2:48 PM

STATE OF MINNESOTA | DISTRICT COURT

COUNTY OF WRIGHT | TENTH JUDICIAL DISTRICT
CASE TYPE: OTHER CIVIL

JUDICIAL WATCH, INC.,
Plaintiff,

v.

OFFICE OF THE GOVERNOR OF THE STATE OF MINNESOTA; and

TIM WALZ, in his official capacity as Governor of the State of Minnesota,

Defendants.

Court File No.:
Judge:

COMPLAINT

I. INTRODUCTION

1. On August 27, 2025, a gunman opened fire during an all-school Mass at Annunciation Catholic School in Minneapolis. Two children — ages 8 and 10 — were killed. Seventeen others were wounded.

2. For years, Minnesota's Catholic bishops and school leaders had warned Governor Walz that the state's 72,000 nonpublic school students were unprotected. They asked him to act. He did not. When the legislature offered a path forward, it went nowhere — while Minnesota sat on a $17.6 billion surplus.

3. The day after the shooting, Judicial Watch filed a records request under the Minnesota Government Data Practices Act ("MGDPA"), Minnesota Statutes Chapter 13, seeking communications about the Governor's handling of school security funding for nonpublic schools. The Governor's Office acknowledged the request that same day. For six months now, the Governor's Office has failed to respond at all.

Filed in District Court
State of Minnesota
3/4/2026 2:48 PM

II. PARTIES

4. Plaintiff Judicial Watch, Inc. ("Judicial Watch") is a not-for-profit educational organization incorporated under the laws of the District of Columbia and headquartered at 425 Third Street SW, Suite 800, Washington, DC 20024. Judicial Watch promotes transparency, accountability, and integrity in government, and fidelity to the rule of law. To do so, Plaintiff regularly requests records from federal, state, and local governments under open records laws. Plaintiff analyzes the responses and disseminates its findings to the American public to let them know "what their government is up to."

5. Defendants are the Office of the Governor of the State of Minnesota (the "Governor's Office"), located at 130 State Capitol, 75 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota 55155, and Tim Walz, in his official capacity as Governor of the State of Minnesota. The Governor's Office is a government entity subject to the MGDPA, Minn. Stat. § 13.01, subd. 1, and has possession, custody, and control of the records Plaintiff seeks. Governor Walz is the responsible authority for the Governor's Office within the meaning of Minn. Stat. § 13.02, subd. 16(a). Governor Walz is sued only in his official capacity.

III. JURISDICTION AND VENUE

6. This Court has jurisdiction over this action pursuant to Minn. Stat. §§ 484.01, subd. 1(1), and 13.08, subds. 1, 2, and 4, and the Uniform Declaratory Judgments Act, Minn. Stat. § 555.01 et seq.

7. The Governor's Office is a "state agency" within the meaning of Minn. Stat. § 13.02, subd. 17, which definition includes "the state…and any office, officer, department, division, bureau, board, commission, authority, district or agency of the state." The Governor's Office, as an office of the state, is therefore a state agency subject to the MGDPA.

Filed in District Court
State of Minnesota
3/4/2026 2:48 PM

8. Venue is proper in this Court pursuant to Minn. Stat. § 13.08, subd. 3. The Governor's Office is a "state agency" as defined by Minn. Stat. § 13.02, subd. 17, which includes "any office . . . of the state." In the case of a state agency, § 13.08, subd. 3 permits an action to be commenced in any county in Minnesota. The state has expressly waived sovereign immunity for actions under the MGDPA. Minn. Stat. § 13.08, subd. 1.

IV. STATEMENT OF FACTS

A. Governor Walz's Failure to Protect All Minnesota Students

9. Minnesota's Safe Schools Program, established in 2019, funds security enhancements, emergency response training, mental health services, and violence prevention for public school students. Nonpublic school students get nothing. The 72,000 Minnesota children enrolled in Catholic, Jewish, Christian, Muslim, and other independent schools have been excluded from day one.

10. After the May 2022 shooting in Uvalde, Texas, Archbishop Bernard Hebda wrote directly to Governor Walz. He asked Walz to call a special legislative session and pass $44-per-student security funding for all Minnesota schools. Walz did not call the session and no progress on student safety was made.

11. After the March 2023 shooting at The Covenant School in Nashville, MCC Executive Director Jason Adkins and MINNDEPENDENT President Tim Benz wrote again — this time to both Walz and Lieutenant Governor Flanagan. They asked that nonpublic schools be included in a proposed $50 million Building and Cyber Security Grant Program. They called the exclusion of nonpublic students "a discriminatory act." Walz refused to act and, once again, no progress occurred. Minnesota's $17.6 billion surplus went elsewhere.

Filed in District Court
State of Minnesota
3/4/2026 2:48 PM

12. The records Judicial Watch seeks go to the heart of it: how Walz responded to these requests, what drove his decisions, and what role — if any — stakeholders like Education Minnesota played in keeping nonpublic students locked out of state security funding.

B. Judicial Watch's MGDPA Records Request

13. On August 28, 2025 — the day after the Annunciation Catholic School shooting — Judicial Watch submitted a records request (the "Request") to the Office of the Governor. A true and correct copy of the Request is attached as **Exhibit A**.

14. The Request sought records and communications for the period January 1, 2022 through August 28, 2025, in five categories:

(1) Requests or proposals to extend state-funded school safety programs — including the Safe Schools Program and any proposed $50 million Building and Cyber Security Grant Program — to non-public schools, including Catholic, Christian, Jewish, Muslim, or other private or parochial schools;

(2) Communications between the Governor's Office and the Minnesota Catholic Conference, including but not limited to communications with MCC Executive Director Jason Adkins and Archbishop Bernard Hebda, regarding school security funding for non-public schools;

(3) Records regarding the denial or non-approval of security funding for non-public schools, including any discussions of political priorities, budget allocations from the 2023 state surplus, or influences from stakeholders such as Education Minnesota;

(4) Communications with the Minnesota Department of Education, legislators, or other state agencies about expanding school safety funding to non-public schools, including any bipartisan legislative proposals; and

MINNESOTA JUDICIAL BRANCH

Filed in District Court
State of Minnesota
3/4/2026 2:48 PM

(5) Any post-2023 updates or reconsiderations of these matters, including responses to the August 27, 2025 shooting at Annunciation Catholic School.

C. Defendants' Failure to Respond

15. On August 28, 2025, the Governor's Office sent a brief email acknowledging receipt of the Request. A true and correct copy of this acknowledgment is attached as **Exhibit B**.

16. Defendants have failed to respond in the six months since Judicial Watch's request.

17. Judicial Watch has been harmed by Defendants' refusal to respond. Judicial Watch is being harmed by Defendants' ongoing refusal to comply and will continue to suffer that harm unless this Court acts.

V. CAUSES OF ACTION

COUNT I
Action to Compel Compliance
Minn. Stat. § 13.08, subd. 4

18. Judicial Watch realleges and incorporates by reference the allegations of all preceding paragraphs as if fully set forth herein.

19. The MGDPA "establishes a presumption that government data are public and are accessible by the public." Minn. Stat. § 13.01, subd. 3. Under the Act, "[a]ll government data collected, created, received, maintained or disseminated by a government entity shall be public government data unless classified by statute, federal law, or temporary classification." Minn. Stat. § 13.03, subd. 1.

20. The MGDPA is "part of a fundamental commitment to making the operations of our public institutions open to the public." *Prairie Island Indian Cmty. v. Minn. Dep't of Pub. Safety*, 658 N.W.2d 876, 884 (Minn. Ct. App. 2003). The public has a right "to know what the

Filed in District Court
State of Minnesota
3/4/2026 2:48 PM

government is doing within a context of effective government operation." *Westrom v. Minn. Dep't of Labor & Indus.*, 667 N.W.2d 148, 150 (Minn. Ct. App. 2003) (internal marks omitted).

21. The MGDPA requires the responsible authority to provide "appropriate and prompt" responses. Minn. Stat. § 13.03, subd. 2(a); Minn. R. 1205.0300.

22. On August 28, 2025, Judicial Watch requested public government data from the Governor's Office. That same morning, Defendants acknowledged the Request. Exhibit B.

23. Six months have elapsed without further response or disclosure. This is neither appropriate nor prompt and constitutes a constructive denial of Judicial Watch's rights under the MGDPA.

24. Judicial Watch continues to suffer harm by Defendants' ongoing refusal to comply with the MGDPA.

25. Judicial Watch is entitled to an order compelling Defendants' immediate compliance with the MGDPA and an award of costs and disbursements, including reasonable attorney's fees. Minn. Stat. § 13.08, subd. 4.

26. In being forced to bring this action, Plaintiff is entitled to an award for costs, disbursements, and reasonable attorney's fees. Minn. Stat. § 13.08, subd. 4.

COUNT II
Declaratory Judgment
Minn. Stat. § 555.01 et seq.

27. Judicial Watch realleges and incorporates by reference the allegations of all preceding paragraphs as if fully set forth herein.

28. This Court has the power to declare rights and other legal relations between the parties. Minn. Stat. § 555.01

Filed in District Court
State of Minnesota
3/4/2026 2:48 PM

29. An actual controversy exists between Judicial Watch and Defendants regarding Judicial Watch's right to access the requested records and Defendants' obligation to produce them under the MGDPA.

30. Judicial Watch seeks a declaration that: (a) the records responsive to the Request are public government data under the MGDPA; (b) Defendants have violated the MGDPA by failing to respond within a reasonable time; (c) Judicial Watch is entitled to production of all responsive records; and (d) Defendants' non-response constitutes a constructive denial of Judicial Watch's rights under the MGDPA.

COUNT III
Mandatory Injunctive Relief
Minn. Stat. § 13.08, subd. 2

31. Judicial Watch realleges and incorporates by reference the allegations of all preceding paragraphs as if fully set forth herein.

32. This Court may enjoin Defendants from violating the MGDPA and make any order or judgment necessary to prevent the use or employment of practices violating the MGDPA. Minn. Stat. § 13.08, subd. 2

33. Defendants have violated and, absent court intervention, will continue to violate the MGDPA through their refusal to produce public government data. Judicial Watch is being harmed by that ongoing violation. It has no adequate remedy at law to compel production without this Court's intervention and will continue to suffer harm with each passing day Defendants refuse to comply with the MGDPA.

34. Judicial Watch seeks an order: (a) requiring Defendants to promptly produce all records responsive to the Request within a time certain set by the Court; (b) requiring Defendants to establish internal data practices compliance procedures sufficient to ensure that future requests

Filed in District Court
State of Minnesota
3/4/2026 2:48 PM

for government data are received and responded to in an appropriate and prompt manner, as required by Minn. Stat. § 13.025, subd. 2 and Minn. R. 1205.0300; and (c) any such other injunctive relief the Court deems necessary to ensure ongoing compliance with the MGDPA.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Judicial Watch, Inc. respectfully requests that this Court enter judgment in its favor and against Defendants, and grant the following relief:

a. An order compelling Defendants' immediate compliance with the MGDPA, including production of all records responsive to Judicial Watch's August 28, 2025 Request, pursuant to Minn. Stat. § 13.08, subd. 4;

b. A declaratory judgment that: (i) the records responsive to the Request are public government data under the MGDPA; (ii) Defendants have violated the MGDPA by failing to respond within a reasonable time; (iii) Judicial Watch is entitled to production of all responsive records; and (iv) Defendants' non-response constitutes a constructive denial of Judicial Watch's rights under the MGDPA, pursuant to Minn. Stat. § 555.01 et seq.;

c. Injunctive relief requiring Defendants to: (i) promptly produce all responsive records within a time certain set by the Court; and (ii) establish internal data practices compliance procedures sufficient to ensure that future data requests are received and responded to promptly and appropriately, pursuant to Minn. Stat. § 13.025, subd. 2 and Minn. R. 1205.0300;

d. An award of costs and disbursements, including reasonable attorney's fees, pursuant to Minn. Stat. § 13.08, subd. 4; and

e. Such other and further relief as the Court deems just and proper.

MINNESOTA JUDICIAL BRANCH

Filed in District Court
State of Minnesota
3/4/2026 2:48 PM

PARKER DANIELS KIBORT LLC

Respectfully submitted,

Dated: February 23, 2026

By: */s/Andrew D. Parker*

Andrew D. Parker (#0195042)
Aaron N. Sandvig (#0395903)
888 Colwell Building
123 North Third Street
Minneapolis, Minnesota 55401
T: (612) 355-4100
parker@parkerdk.com
sandvig@parkerdk.com

Attorneys for Plaintiff Judicial Watch, Inc.

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 Minn. Stat. § 549.211, subd. 2.

Dated: February 23, 2026

/s/Andrew D. Parker
Andrew D. Parker (#0195042)

MINNESOTA JUDICIAL BRANCH

Filed in District Court
State of Minnesota
3/4/2026 2:48 PM

Exhibit A

MINNESOTA
JUDICIAL
BRANCH

Filed in District Court
State of Minnesota
3/4/2026 2:48 PM

August 28, 2025

VIA ONLINE PORTAL

Office of Governor Tim Walz
Attn: Responsible Authority/Data Practices Compliance Official
130 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155
Email: governor.state@state.mn.us

Re: Freedom of Information Act Request

Dear Public Records Officer:

Judicial Watch, Inc. ("Judicial Watch") hereby requests the Office of the Governor of the State of Minnesota produce the following records pursuant to the Minnesota Government Data Practices Act (MGDPA), Minnesota Statutes, Chapter 13.

Records and communications about school security funding requests from 2022 through 2025. Specifically, the records I seek include:

1. Requests or proposals to extend or include non-public schools (including Catholic, Christian, Jewish, Muslim, or other private/parochial schools) in state-funded school safety programs, such as the Safe Schools Program (established in 2019), the proposed $50 million Building and Cyber Security Grant Program in 2023, or any similar initiatives for security enhancements like secure entries, emergency training, resource officers, mental health services, or violence prevention.
2. Communications between the Governor's Office and the Minnesota Catholic Conference (MCC), including but not limited to letters, emails, or meetings with MCC Executive Director Jason Adkins, Archbishop Bernard Hebda, or other representatives, regarding school security funding for non-public schools, particularly following the 2022 Uvalde, Texas, school shooting and the 2023 Covenant School shooting in Nashville, Tennessee.
3. Records about the denial or non-approval of funding for non-public schools' security needs, including any discussions of political priorities, budget allocations from the 2023 $17.6 billion state surplus, influences from stakeholders such as teachers' unions (e.g., Education Minnesota), or reasons for excluding non-public schools while providing similar funding to public schools.
4. Communications with the Minnesota Department of Education (MDE), legislators (including DFL and Republican members), or other state agencies about expanding school safety funding to non-public schools, including any bipartisan bills (e.g., proposals for $44 per student in security aid) that were considered but not advanced, and reasons for not convening a special session in 2022.

preference for sec / funding at public over non-public

Filed in District Court
State of Minnesota
3/4/2026 2:48 PM

5. Any post-2023 updates or reconsiderations of these requests, including responses to the August 27, 2025, shooting at Annunciation Catholic School in Minneapolis.

Please search all relevant custodians, such as Governor Tim Walz, his chief of staff, policy advisors, education liaisons, and any relevant staff working on school funding initiatives.

Time Period: January 1, 2022, to August 28, 2025.

Definitions

"COMMUNICATION(S)" means every manner or method of disclosure, exchange of information, statement, or discussion between or among two or more persons, including but not limited to, face-to-face and telephone conversations, correspondence, memoranda, telegrams, telexes, email messages, voice-mail messages, text messages, meeting minutes, discussions, releases, statements, reports, publications, and any recordings or reproductions thereof.

"DOCUMENT(S)" or "RECORD(S)" mean any kind of written, graphic, or recorded matter, however produced or reproduced, of any kind or description, whether sent, received, or neither, including drafts, originals, non-identical copies, and information stored magnetically, electronically, photographically or otherwise. As used herein, the terms "DOCUMENT(S)" or "RECORD(S)" include, but are not limited to, studies, papers, books, accounts, letters, diagrams, pictures, drawings, photographs, correspondence, telegrams, cables, text messages, emails, memoranda, notes, notations, work papers, intra-office and inter-office communications, communications to, between and among employees, contracts, financial agreements, grants, proposals, transcripts, minutes, orders, reports, recordings, or other documentation of telephone or other conversations, interviews, affidavits, slides, statement summaries, opinions, indices, analyses, publications, questionnaires, answers to questionnaires, statistical records, ledgers, journals, lists, logs, tabulations, charts, graphs, maps, surveys, sound recordings, data sheets, computer printouts, tapes, discs, microfilm, and all other records kept, regardless of the title, author, or origin.

"PERSON" means individuals, entities, firms, organizations, groups, committees, regulatory agencies, governmental entities, business entities, corporations, partnerships, trusts, and estates.

"REFERS," "REFERRING TO," "REGARDS," REGARDING," "RELATES," "RELATING TO," "CONCERNS," "CONCERNING" or "PERTAINS TO" mean containing, alluding to, responding to, commenting upon, discussing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing, or characterizing, either directly or indirectly, in whole or in part.

MINNESOTA JUDICIAL BRANCH

Filed in District Court
State of Minnesota
3/4/2026 2:48 PM

Please determine whether to comply with this request within the time period required by FOIA and notify us immediately of your determination, the reasons therefor, and the right to appeal any adverse determination to the head of the agency or his or her designee. 5 U.S.C. § 552(a)(6)(i). Please also produce all responsive records in an electronic format ("pdf" is preferred), if convenient. We also are willing to accept a "rolling production" of responsive records if it will facilitate a more timely production.

Judicial Watch also hereby requests a waiver of both search and duplication fees. We are entitled to a waiver of search fees because we are a "representative of the news media." *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II); *see also Cause of Action v. Federal Trade Comm.*, 799 F.3d 1108 (D.C. Cir. 2015); *Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381 (D.C. Cir. 1989). For more than twenty years, Judicial Watch has used FOIA and other investigative tools to gather information about the operations and activities of government, a subject of undisputed public interest. We submit over 400 FOIA requests annually. Our personnel, which includes experienced journalists and professional writers on staff and under contract, use their editorial skills to turn this raw information into distinct works that are disseminated to the public via our monthly newsletter, which has a circulation of over 300,000, weekly email update, which has over 600,000 subscribers, investigative bulletins, special reports, www.judicialwatch.org website, *Corruption Chronicles* blog, and social media, including Facebook and Twitter, among other distribution channels. We have authored several books, including *Corruption Chronicles* by Tom Fitton (Threshold Editions, July 24, 2012), and *Clean House* by Tom Fitton (Threshold Editions, Aug. 30, 2016). In 2012, we produced a documentary film, "District of Corruption," directed by Stephen K. Bannon. Our "news media" status has been confirmed in court rulings. *See, e.g.*, *Judicial Watch, Inc. v. U.S. Dep't of Defense*, 2006 U.S. Dist. LEXIS 44003, *1 (D.D.C. June 28, 2006); *Judicial Watch, Inc. v. U.S. Dep't of Justice,* 133 F. Supp.2d 52 (D.D.C. 2000). As a tax exempt, 501(c)(3) non-profit corporation, we have no commercial interests and do not seek the requested records for any commercial use. Rather, we intend to use the requested records as part of our on-going investigative journalism and public education efforts to promote integrity, transparency, and accountability in government and fidelity to the rule of law.

Judicial Watch also is entitled to a waiver of both search fees and duplication fees because "disclosure of the information is in the public interest." 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure of the requested records undoubtedly will shed light on "the operations or activities of the government." *Cause of Action*, 799 F.3d at 1115 (*quoting* 5 U.S.C. § 552(a)(4)(A)(iii)). Disclosure also is "likely to contribute significantly to the public understanding" of those operations or activities because, among other reasons, Judicial Watch intends to disseminate both the records and its findings to "a reasonably broad audience of persons interested in the subject" via its newsletter, email updates, investigative bulletins, website, blog, and its other, regular distribution channels. *Cause of Action*, 799 F.3d at 1116 (*quoting Carney v. U.S. Dep't of Justice*, 19 F.3d 807, 815 (2d Cir. 1994)). Again, Judicial Watch does not seek the requested records for any

MINNESOTA JUDICIAL BRANCH

Filed in District Court
State of Minnesota
3/4/2026 2:48 PM

commercial benefit or for its own "primary" benefit, but instead seeks them as part of its ongoing investigative journalism and public education efforts to promote integrity, transparency, and accountability in government and fidelity to the rule of law.

In the event our request for a waiver of search and/or duplication costs is denied, Judicial Watch agrees to pay up to $300.00 in search and/or duplication costs. Judicial Watch requests that it be contacted before any such costs are incurred, in order to prioritize search and duplication efforts.

If you do not understand this request or any portion thereof, or if you feel you require clarification of this request or any portion thereof, please contact us immediately at 202-646-5172 or cnelson@judicialwatch.org.

Thank you for your cooperation.

Sincerely,

Chris Nelson
Judicial Watch, Inc.
425 3rd St., SW
Suite 800
Washington, DC 20024

MINNESOTA
JUDICIAL
BRANCH

Filed in District Court
State of Minnesota
3/4/2026 2:48 PM

Exhibit B

MINNESOTA
JUDICIAL
BRANCH

Filed in District Court
State of Minnesota
3/4/2026 2:48 PM

From: MN_GOV_MNGDPA
To: Chris Nelson; MN_GOV_MNGDPA
Subject: RE: MGDPA Records Request
Date: Thursday, August 28, 2025 11:56:19 AM
Attachments: image003.png

Mr. Nelson,

This email acknowledges receipt of your request below. We have begun processing your request. We receive a large number of data requests and respond to requests in the order they are received. We will be in touch with any questions or updates.

Office of Governor Tim Walz and Lieutenant Governor Peggy Flanagan
mn.gov/governor

Office of Governor Tim Walz &
Lt. Governor Peggy Flanagan

DISCLAIMER: This e-mail is intended to be read only by the intended recipient. It may contain confidential and/or privileged information, and may be protected from disclosure by law. If you are not the intended recipient, any review, dissemination, retransmission, distribution or copying of this e-mail (or its attachments) is strictly prohibited. If you received this e-mail in error, please notify the sender immediately and delete this e-mail and any attachments.

From: Chris Nelson <cnelson@judicialwatch.org>
Sent: Thursday, August 28, 2025 10:22 AM
To: MN_GOV_MNGDPA <MNGDPA.Gov@state.mn.us>
Cc: Chris Nelson <cnelson@judicialwatch.org>
Subject: MGDPA Records Request

You don't often get email from cnelson@judicialwatch.org. Learn why this is important

This message may be from an external email source.
Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Good Morning,

MINNESOTA JUDICIAL BRANCH

Filed in District Court
State of Minnesota
3/4/2026 2:48 PM

Please find attached a MGDPA request for records. Please acknowledge receipt at your earliest convenience.

Best Regards,

Chris Nelson
Judicial Watch, Inc.
425 Third Street SW
Suite 800
Washington, DC 20024

MINNESOTA
JUDICIAL
BRANCH