

**U.S. District Court**  
**U.S. District of Minnesota (DMN)**  
**CIVIL DOCKET FOR CASE #: 0:21-cv-00336-WMW-JFD**  
***Internal Use Only***

Satanic Temple, Inc., The v. City of Belle Plaine, MN  
Assigned to: Judge Wilhelmina M. Wright  
Referred to: Magistrate Judge John F. Docherty  
rel Case: 0:19-cv-01122-WMW-JFD  
Case in other court: USCA 8th Circuit, 21-03081  
Cause: 42:1983 Civil Rights Act

Date Filed: 02/04/2021  
Date Terminated: 09/15/2021  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Satanic Temple, Inc., The**

represented by **Matthew A. Kezhaya**  
Kezhaya Law PLC  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Jason Scott Juran**  
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**TERMINATED: 09/28/2021**

**Robert R Hopper**  
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**TERMINATED: 09/28/2021**

V.

**Defendant**

**City of Belle Plaine, MN**

represented by **Katherine M. Swenson**  
Greene Espel PLLP  
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Mpls, MN 55402  
 (612) 373-8389  
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**Monte A Mills**  
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**ATTORNEY TO BE NOTICED**

Email All Attorneys  
 Email All Attorneys and Additional Recipients

| Date Filed | #        | Page | Docket Text  |
|------------|----------|------|--|
| 02/04/2021 | <u>1</u> |      | COMPLAINT against City of Belle Plaine, MN (filing fee \$ 402, receipt number AMNDC-8464238) filed by Satanic Temple, Inc., The. <b>Filer requests summons issued.</b> (Attachments: # <u>1</u> Exhibit(s) 1-14 (pp. 1-104), # <u>2</u> Exhibit(s) 15-28 (pp. 105-152)) (Kezhaya, Matthew) Modified text on 2/16/2021 (MMG). (Entered: 02/04/2021)   |
| 02/05/2021 | <u>2</u> |      | Civil cover sheet re <u>1</u> Complaint, filed by Satanic Temple, The. (Kezhaya, Matthew) Modified text on 2/5/2021 (MMG). (Entered: 02/05/2021)   |
| 02/05/2021 | <u>3</u> |      | EXHIBIT Placeholder for CD with video clips re <u>1</u> Complaint, filed by Satanic Temple, The. (Kezhaya, Matthew) Conventionally filed CD Exhibit received in St. Paul on 4/5/2021. Modified text on 4/8/2021 (KDS). (Entered: 02/05/2021)   |
| 02/05/2021 | 4        |      | TEXT ONLY ENTRY: CLERK'S NOTICE OF INITIAL CASE ASSIGNMENT. Case assigned to Judge Michael J. Davis per 3rd/4th Civil Rights list, referred to Magistrate Judge Leo I. Brisbois. Please use case number 21-cv-336 MJD/LIB. (MMG) (Entered: 02/05/2021)   |
| 02/05/2021 | <u>5</u> |      | Summons Issued as to Belle Plaine, City of. (MMG) (Entered: 02/05/2021)  |
| 02/09/2021 | <u>6</u> |      | ORDER OF REASSIGNMENT OF RELATED CASES. This case is reassigned to Judge Wilhelmina M. Wright for all further proceedings. Judge Michael J. Davis no longer assigned to case. <b>NOTE:</b> the new case number is <b>21-cv-00336 WMW/LIB</b> . Please use this case number for all subsequent pleadings. Signed by Judge Wilhelmina M. Wright and Judge Michael J. Davis on 2/8/2021.(MTP) (Entered: 02/09/2021) |
| 02/09/2021 | <u>7</u> |      | NOTICE of Appearance by Monte A Mills on behalf of Belle Plaine, City of. (Mills, Monte) (Entered: 02/09/2021)   |
| 02/09/2021 | <u>8</u> |      | NOTICE of Appearance by Katherine M. Swenson on behalf of Belle Plaine, City of. (Swenson, Katherine) (Entered: 02/09/2021)  |

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| 02/10/2021 | 9         | (Text-Only) NOTICE – Judge Wilhelmina M. Wright's Practice Pointers are available on the United States District Court for the District of Minnesota's <a href="#">website</a> . All parties are expected to be familiar with and adhere to these Practice Pointers, including Judge Wright's deviations from the Local Rules with respect to motion scheduling and briefing deadlines. (RJE) (Entered: 02/10/2021)  |
| 03/01/2021 | <u>10</u> | MOTION to Dismiss/General filed by City of Belle Plaine, MN. (Mills, Monte) (Entered: 03/01/2021)   |
| 03/01/2021 | <u>11</u> | NOTICE OF HEARING ON MOTION <u>10</u> MOTION to Dismiss/General : Motion Hearing set for 4/29/2021 at 09:00 AM in Telephone Conference (no courtroom) before Judge Wilhelmina M. Wright. (Mills, Monte) (Entered: 03/01/2021)   |
| 03/01/2021 | <u>12</u> | MEMORANDUM in Support re <u>10</u> MOTION to Dismiss/General filed by City of Belle Plaine, MN. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(Mills, Monte) (Entered: 03/01/2021)  |
| 03/01/2021 | <u>13</u> | MEET and CONFER STATEMENT re <u>10</u> Motion to Dismiss/General filed by City of Belle Plaine, MN.(Mills, Monte) (Entered: 03/01/2021)   |
| 03/01/2021 | <u>14</u> | PROPOSED ORDER TO JUDGE re <u>10</u> MOTION to Dismiss/General filed by City of Belle Plaine, MN.(Mills, Monte) (Entered: 03/01/2021)   |
| 03/09/2021 | 15        | (Text-Only) NOTICE of Resetting of Hearing: The Motion Hearing on the Motion to Dismiss <u>10</u> is rescheduled to 4/27/2021 at 01:00 PM in Telephone Conference (no courtroom) before Judge Wilhelmina M. Wright.<br><br><b>Notice to Public:</b> Please visit our website at <a href="https://www.mnd.uscourts.gov/court-schedules">https://www.mnd.uscourts.gov/court-schedules</a> for audio connection information for this hearing. Note that hearings might not appear on the court schedule or courthouse kiosk until one week before the hearing date.<br><br>(RJE) (Entered: 03/09/2021) |
| 03/09/2021 | <u>16</u> | AMENDED NOTICE of Hearing on Motion: <u>10</u> MOTION to Dismiss/General : Motion Hearing set for 4/27/2021 at 01:00 PM in Telephone Conference (no courtroom) before Judge Wilhelmina M. Wright. (Mills, Monte) (Entered: 03/09/2021)  |
| 03/15/2021 | <u>17</u> | MOTION for Sanctions <i>Defendant's Motion for Rule 11 Sanctions Against Plaintiff's Counsel</i> filed by City of Belle Plaine, MN. (Mills, Monte) (Entered: 03/15/2021)  |
| 03/15/2021 | <u>18</u> | NOTICE OF HEARING ON MOTION <u>17</u> MOTION for Sanctions <i>Defendant's Motion for Rule 11 Sanctions Against Plaintiff's Counsel</i> : Motion Hearing set for 4/27/2021 at 01:00 PM in Telephone Conference (no courtroom) before Judge Wilhelmina M. Wright. (Mills, Monte) (Entered: 03/15/2021)  |
| 03/15/2021 | <u>19</u> | MEMORANDUM in Support re <u>17</u> MOTION for Sanctions <i>Defendant's Motion for Rule 11 Sanctions Against Plaintiff's Counsel</i> filed by City of Belle Plaine, MN. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(Mills, Monte) (Entered: 03/15/2021)   |
| 03/15/2021 | <u>20</u> | MEET and CONFER STATEMENT re <u>17</u> Motion for Sanctions filed by City of Belle Plaine, MN.(Mills, Monte) (Entered: 03/15/2021)  |

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| 03/15/2021 | <u>21</u> |  | PROPOSED ORDER TO JUDGE re <u>17</u> MOTION for Sanctions <i>Defendant's Motion for Rule 11 Sanctions Against Plaintiff's Counsel</i> filed by City of Belle Plaine, MN.(Mills, Monte) (Entered: 03/15/2021)   |
| 03/15/2021 | <u>22</u> |  | CERTIFICATE OF SERVICE by City of Belle Plaine, MN re <u>17</u> MOTION for Sanctions <i>Defendant's Motion for Rule 11 Sanctions Against Plaintiff's Counsel</i> , <u>19</u> Memorandum in Support of Motion, (Mills, Monte) (Entered: 03/15/2021)                           |
| 03/22/2021 | <u>23</u> |  | RESPONSE in Opposition re <u>10</u> MOTION to Dismiss/General filed by Satanic Temple, Inc., The. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(Kezhaya, Matthew) (Entered: 03/22/2021)   |
| 03/23/2021 | <u>24</u> |  | RESPONSE in Opposition re <u>17</u> MOTION for Sanctions <i>Defendant's Motion for Rule 11 Sanctions Against Plaintiff's Counsel</i> filed by Satanic Temple, Inc., The.(Kezhaya, Matthew) (Entered: 03/23/2021)   |
| 03/23/2021 | <u>25</u> |  | PROPOSED ORDER TO JUDGE re denying motion to dismiss <u>10</u> Motion to Dismiss/General. (Kezhaya, Matthew) (Entered: 03/23/2021)   |
| 03/23/2021 | <u>26</u> |  | PROPOSED ORDER TO JUDGE re denying motion for sanctions; ordering fees shifting <u>17</u> Motion for Sanctions. (Kezhaya, Matthew) (Entered: 03/23/2021)   |
| 03/29/2021 | <u>27</u> |  | Reply to Response to Motion re <u>10</u> MOTION to Dismiss/General filed by City of Belle Plaine, MN. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(Swenson, Katherine) (Entered: 03/29/2021)   |
| 03/29/2021 | <u>28</u> |  | Declaration of Dawn Meyer in Support of <u>10</u> MOTION to Dismiss/General filed by City of Belle Plaine, MN. (Attachments: # <u>1</u> Exhibit(s) A)(Swenson, Katherine) (Entered: 03/29/2021)  |
| 04/13/2021 | <u>29</u> |  | MOTION to Strike Pleading <u>28</u> Declaration in Support filed by Satanic Temple, Inc., The. (Attachments: # <u>1</u> Exhibit(s) meet & confer statement)(Kezhaya, Matthew) (Entered: 04/13/2021)  |
| 04/13/2021 | <u>30</u> |  | MEMORANDUM in Support re <u>29</u> MOTION to Strike Pleading <u>28</u> Declaration in Support filed by Satanic Temple, Inc., The. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate certificate of compliance)(Kezhaya, Matthew) (Entered: 04/13/2021) |
| 04/13/2021 | <u>31</u> |  | EXHIBIT 1 ( <i>deposition of Dawn Meyer</i> ) re <u>29</u> MOTION to Strike Pleading <u>28</u> Declaration in Support filed by Satanic Temple, Inc., The.(Kezhaya, Matthew) (Entered: 04/13/2021)  |
| 04/13/2021 | <u>32</u> |  | NOTICE OF HEARING ON MOTION <u>29</u> MOTION to Strike Pleading <u>28</u> Declaration in Support : Date and time to be determined. (Kezhaya, Matthew) (Entered: 04/13/2021)  |
| 04/13/2021 | <u>33</u> |  | PROPOSED ORDER TO JUDGE re <u>29</u> MOTION to Strike Pleading <u>28</u> Declaration in Support filed by Satanic Temple, Inc., The.(Kezhaya, Matthew) (Entered: 04/13/2021)  |
| 04/14/2021 | <u>34</u> |  | MEET and CONFER STATEMENT re <u>29</u> Motion to Strike Pleading filed by Satanic Temple, Inc., The.(Kezhaya, Matthew) (Entered: 04/14/2021)   |
| 04/20/2021 | <u>35</u> |  | RESPONSE re <u>29</u> MOTION to Strike Pleading <u>28</u> Declaration in Support <i>Defendant's Belle Plaine's Memorandum in Response to Plaintiff's Motion to</i>   |

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|            |           | <i>Strike Declaration of Dawn Meyer</i> filed by City of Belle Plaine, MN. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(Mills, Monte) (Entered: 04/20/2021)   |
| 04/27/2021 | <u>36</u> | Minute Entry for proceedings held before Judge Wilhelmina M. Wright: Motion Hearing held on 4/27/2021 re <u>17</u> MOTION for Sanctions <i>Defendant's Motion for Rule 11 Sanctions Against Plaintiff's Counsel</i> filed by City of Belle Plaine, MN, <u>10</u> MOTION to Dismiss/General filed by City of Belle Plaine, MN, <u>29</u> MOTION to Strike Pleading <u>28</u> Declaration in Support filed by Satanic Temple, Inc., The. (Court Reporter Lori Simpson) (RJE) (Entered: 04/27/2021)  |
| 08/26/2021 | 37        | (Text-Only) CLERK'S NOTICE OF REASSIGNMENT OF MAGISTRATE JUDGE. Due to the appointment of Magistrate Judge John F. Docherty, this case is reassigned to him. Magistrate Judge Leo I. Brisbois is no longer assigned to the case. <b>NOTE:</b> the new case number is <b>21cv336 WMW/JFD</b> . Please use this case number for all subsequent filings.<br><br>Scheduling orders entered before this case was reassigned will remain in effect unless otherwise ordered by the Court. If a previously scheduled proceeding conflicts with an event already on Magistrate Judge Docherty's schedule, the parties will be contacted, and a new date and time agreed upon. Magistrate Judge Docherty's <u>practice pointers</u> are available on the Court's website. Please contact Magistrate Judge Docherty's chambers, at 651-848-1180, for scheduling or other matters. (JME) (Entered: 08/26/2021)   |
| 09/15/2021 | <u>38</u> | ORDER. IT IS HEREBY ORDERED: 1. Defendant's motion for summary judgment as to Plaintiff's promissory-estoppel claim in Satanic Temple I, No. 19-cv-1122 81 is GRANTED. 2. Plaintiff's motion to strike in Satanic Temple I, No. 19-cv-1122 100 is DENIED. 3. The magistrate judge's January 26, 2021 Order in Satanic Temple I, No. 19-cv-1122 79 is AFFIRMED. 4. Defendant's motion to dismiss the complaint in Satanic Temple II, No. 21-cv-0336 <u>10</u> is GRANTED. 5. Plaintiff's motion to strike in Satanic Temple II, No. 21-cv-0336 <u>29</u> is DENIED. 6. Defendant's motion for sanctions in Satanic Temple II, No. 21-cv-0336 <u>17</u> is GRANTED. Within fourteen days after the date of this Order, Defendant shall file a motion and supporting evidence as to the attorneys' fees Defendant incurred responding to the complaint and seeking sanctions in Satanic Temple II, No. 21-cv-0336. (Written Opinion) Signed by Judge Wilhelmina M. Wright on 9/15/2021. Associated Cases: 0:19-cv-01122-WMW-JFD, 0:21-cv-00336-WMW-JFD (RJE) (Entered: 09/15/2021) |
| 09/15/2021 | <u>39</u> | NOTICE OF APPEAL TO 8TH CIRCUIT as to <u>38</u> Order on Motion for Summary Judgment,,,,, Order Re: Appeal/Objection of Magistrate Judge Decision to District Judge,,,,, Order on Motion to Dismiss/General,,,,, Order on Motion for Sanctions,,,,, Order on Motion to Strike Pleading,,,,, by Satanic Temple, Inc., The. Filing fee \$ 505, receipt number AMNDC-9023640. (Kezhaya, Matthew) (Entered: 09/15/2021)   |
| 09/16/2021 | <u>40</u> | JUDGMENT (Attachments: # <u>1</u> Civil Notice - appeal)(CLK) (Entered: 09/16/2021)   |
| 09/16/2021 | <u>41</u> | TRANSMITTAL OF APPEAL LETTER TO U. S. COURT OF APPEALS, 8TH CIRCUIT, Re: Notice of Appeal to 8th Circuit, <u>39</u> . (CLK) (Entered: 09/16/2021)   |

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| 09/16/2021 | <u>42</u> | USCA Case Number 21-3081 for <u>39</u> Notice of Appeal to 8th Circuit, filed by Satanic Temple, Inc., The. (MTP) (Entered: 09/16/2021)   |
| 09/17/2021 | <u>43</u> | AMENDED JUDGMENT (Attachments: # <u>1</u> Civil Notice – appeal)(CLK) (Entered: 09/17/2021)   |
| 09/17/2021 | 44        | (Text-Only) NOTICE to USCA of subsequent filing in a civil case, Re: Amended Judgment <u>43</u> . (CLK) (Entered: 09/17/2021)   |
| 09/17/2021 | <u>45</u> | AMENDED NOTICE OF APPEAL regarding <u>39</u> Notice of Appeal to 8th Circuit, by Satanic Temple, Inc., The. (Kezhaya, Matthew) (Entered: 09/17/2021)  |
| 09/20/2021 | 46        | (Text-Only) NOTICE to USCA of subsequent filing in a civil case, Re: Amended Notice of Appeal to 8th Circuit <u>45</u> . (CLK) (Entered: 09/20/2021)  |
| 09/28/2021 | <u>47</u> | TRANSCRIPT REQUEST for a 30-Day Transcript of <u>36</u> Motion Hearing, to Court Reporter Lori Simpson. (Kezhaya, Matthew) (Entered: 09/28/2021)  |
| 09/28/2021 | <u>48</u> | NOTICE of Withdrawal as Attorney (Hopper, Robert) (Entered: 09/28/2021)   |
| 09/28/2021 | <u>49</u> | MOTION for Attorney Fees filed by City of Belle Plaine, MN. (Mills, Monte) (Entered: 09/28/2021)  |
| 09/28/2021 | <u>50</u> | NOTICE OF HEARING ON MOTION <u>49</u> MOTION for Attorney Fees : Date and time to be determined. (Mills, Monte) (Entered: 09/28/2021)   |
| 09/28/2021 | <u>51</u> | Declaration of Monte A. Mills in Support of <u>49</u> MOTION for Attorney Fees filed by City of Belle Plaine, MN. (Attachments: # <u>1</u> Exhibit(s) A)(Mills, Monte) (Entered: 09/28/2021)  |
| 09/28/2021 | <u>52</u> | PROPOSED ORDER TO JUDGE re <u>49</u> MOTION for Attorney Fees filed by City of Belle Plaine, MN.(Mills, Monte) (Entered: 09/28/2021)  |
| 09/29/2021 | 53        | (Text-Only) NOTICE to USCA of subsequent filing in a civil case, Re: Notice of Withdrawal as Attorney <u>48</u> , Declaration in Support <u>51</u> , Proposed Order to Judge <u>52</u> , Motion for Attorney Fees <u>49</u> , Notice of Hearing on Motion <u>50</u> . (CLK) (Entered: 09/29/2021)   |
| 10/12/2021 | <u>54</u> | RESPONSE in Opposition re <u>49</u> MOTION for Attorney Fees filed by Matthew A. Kezhaya, Jason S. Juran. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(Kezhaya, Matthew) (Entered: 10/12/2021)  |
| 10/12/2021 | <u>55</u> | EXHIBIT re <u>54</u> Response in Opposition to Motion filed by Jason S. Juran, Matthew A. Kezhaya. (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Exhibit(s), # <u>3</u> Exhibit(s), # <u>4</u> Exhibit(s))(Kezhaya, Matthew) (Entered: 10/12/2021)  |
| 10/12/2021 | <u>56</u> | PROPOSED ORDER TO JUDGE re denying motion for attorney's fees <u>49</u> Motion for Attorney Fees. (Kezhaya, Matthew) (Entered: 10/12/2021)  |
| 10/28/2021 | <u>57</u> | TRANSCRIPT of Motions Hearing held on 4/27/2021 before Judge Wilhelmina M. Wright. (74 pages). Court Reporter: Lori Simpson. For a copy of the transcript, please file a Transcript Request under <i>Other Filings/Other Documents</i> .<br><br><b>Parties have 7 days to file a Notice of Intent to Request Redaction. In accordance with Judicial Conference policy and <u>Local Rule 80.1</u>, the</b> |



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|            |                    | <p><b>transcript may be released and made remotely electronically available to the public in 90 days.</b> For further information on redaction procedures, please review <a href="#">Local Rule 5.5</a> and <a href="#">Case Information &gt;Transcripts, Court Reporters and Digital Audio Recordings</a>.</p> <p>Notice Intent/No Intent to Request Redactions due 11/4/2021.<br/>Redaction Request due 11/18/2021.<br/>Redacted Transcript Deadline set for 11/29/2021.<br/>Release of Transcript Restriction set for 1/26/2022.</p> <p>(LAS) (Entered: 10/28/2021)</p>   |
| 05/24/2022 | <a href="#">58</a> | ORDER. IT IS HEREBY ORDERED: 1. Defendant City of Belle Plaine, MN's motion for attorneys' fees <a href="#">49</a> is GRANTED IN PART AND DENIED IN PART. 2. Defendant City of Belle Plaine, MN, is awarded reasonable attorneys' fees, pursuant to Federal Rule of Civil Procedure 11(c), in the amount of \$16,943.40. 3. Plaintiff The Satanic Temple, Inc.'s counselnamely, Matthew A. Kezhaya, Jason Scott Juron, Robert R. Hopper, and their respective law firmsare jointly and severally liable, pursuant to Federal Rule of Civil Procedure 11(c), for the sanctions imposed by this Order. 4. The sanctions imposed by this Order shall be paid to Greene Espel PLLP within 14 days after the date of this Order. (Written Opinion) Signed by Judge Wilhelmina M. Wright on 5/24/2022. (RJE) (Entered: 05/24/2022) |
| 05/25/2022 | <a href="#">59</a> | JUDGMENT (Attachments: # <a href="#">1</a> Civil Notice – appeal)(MMG) (Entered: 05/25/2022)   |
| 05/25/2022 | <a href="#">60</a> | (Text–Only) NOTICE to USCA of subsequent filing in a civil case, Re: Order on Motion for Attorney Fees,,, <a href="#">58</a> , Judgment <a href="#">59</a> . (MMG) (Entered: 05/25/2022)   |
| 06/02/2022 | <a href="#">61</a> | NOTICE OF APPEAL TO 8TH CIRCUIT as to <a href="#">58</a> Order on Motion for Attorney Fees,,, <a href="#">59</a> Judgment by Matthew A. Kezhaya. Filing fee \$ 505, receipt number AMNDC–9549816. (Kezhaya, Matthew) (Entered: 06/02/2022)   |
| 06/02/2022 | <a href="#">62</a> | MOTION to Stay re <a href="#">58</a> Order on Motion for Attorney Fees,,, <a href="#">59</a> Judgment, <a href="#">61</a> Notice of Appeal to 8th Circuit filed by Matthew A. Kezhaya. (Attachments: # <a href="#">1</a> LR7.1/LR72.2 Word Count Compliance Certificate)(Kezhaya, Matthew) (Entered: 06/02/2022)   |
| 06/02/2022 | <a href="#">63</a> | NOTICE OF HEARING ON MOTION <a href="#">62</a> MOTION to Stay re <a href="#">58</a> Order on Motion for Attorney Fees,,, <a href="#">59</a> Judgment, <a href="#">61</a> Notice of Appeal to 8th Circuit : Date and time to be determined. (Kezhaya, Matthew) (Entered: 06/02/2022)  |
| 06/02/2022 | <a href="#">64</a> | MEET and CONFER STATEMENT re <a href="#">62</a> Motion to Stay filed by Matthew A. Kezhaya.(Kezhaya, Matthew) (Entered: 06/02/2022)  |
| 06/02/2022 | <a href="#">65</a> | PROPOSED ORDER TO JUDGE re <a href="#">62</a> MOTION to Stay re <a href="#">58</a> Order on Motion for Attorney Fees,,, <a href="#">59</a> Judgment, <a href="#">61</a> Notice of Appeal to 8th Circuit filed by Matthew A. Kezhaya.(Kezhaya, Matthew) (Entered: 06/02/2022)   |
| 06/03/2022 | <a href="#">66</a> | ORDER. (See order for details) (Written Opinion) Signed by Judge Wilhelmina M. Wright on 6/3/2022. (RJE) (Entered: 06/03/2022)   |
| 06/03/2022 | <a href="#">67</a> |  |

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|  |  | TRANSMITTAL OF APPEAL LETTER TO U. S. COURT OF APPEALS,<br>8TH CIRCUIT, Re: Notice of Appeal to 8th Circuit <u>61</u> . (CLK) (Entered:<br>06/03/2022) |
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UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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The Satanic Temple, Inc.,

Case No. 21-cv-0336 (WMW/JFD)

Plaintiff,

**ORDER**

v.

City of Belle Plaine, MN,

Defendant.

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This matter is before the Court on Defendant City of Belle Plain, MN's (Belle Plaine) motion for attorneys' fees. ([Dkt. 49](#).) Plaintiff The Satanic Temple, Inc. (TST), opposes Belle Plaine's motion. For the reasons addressed below, the motion is granted in part and denied in part.

**BACKGROUND**

In this case and in a related case filed in 2019, TST alleged that Belle Plaine violated its rights under federal law, the United States Constitution, and the Minnesota Constitution and should be held liable under the doctrine of promissory estoppel. In TST's first-filed case, this Court dismissed TST's constitutional and statutory claims for failure to state a claim on which relief can be granted. *See Satanic Temple v. City of Belle Plaine (Satanic Temple I)*, [475 F. Supp. 3d 950](#) (D. Minn. 2020). Subsequently, the Court granted Belle Plaine's motion for summary judgment as to TST's remaining promissory-estoppel claim in *Satanic Temple I*. The Court also affirmed the magistrate

judge's order denying TST's motion for leave to amend its complaint to re-assert its dismissed constitutional claims and add new constitutional claims.

After the magistrate judge denied TST's motion to amend its complaint in *Satanic Temple I*, TST commenced this second lawsuit in February 2021. *See Satanic Temple, Inc. v. City of Belle Plaine (Satanic Temple II)*, No. 21-cv-0336, [Dkt. 1](#) (D. Minn. Feb. 4, 2021). In *Satanic Temple II*, TST asserted the same constitutional claims that TST unsuccessfully attempted to assert in its proposed amended complaint in *Satanic Temple I*. The Court granted Belle Plaine's motion to dismiss in *Satanic Temple II*, concluding that TST's claims were barred by res judicata based on *Satanic Temple I*.

The Court also granted Belle Plaine's motion for sanctions against TST's counsel in this case. The Court concluded that the filing of *Satanic Temple II* was a frivolous attempt to circumvent the rulings in *Satanic Temple I* and wasted judicial resources. The Court ordered Belle Plaine to file the pending motion and supporting evidence as to the amount of attorneys' fees Belle Plaine incurred responding to the complaint and seeking sanctions in *Satanic Temple II*.

## ANALYSIS

### I. Propriety of Monetary Sanctions

As a threshold matter, TST disputes whether monetary sanctions are warranted, arguing that the Court's September 15, 2021 Order, which granted Belle Plaine's motion for sanctions, did not explain why nonmonetary sanctions would be insufficient to deter similar future misconduct.

TST's argument challenging the propriety of monetary sanctions appears to be a request for reconsideration of the Court's September 15, 2021 Order. TST's request is procedurally improper. This District's Local Rules prohibit filing a motion for reconsideration without first obtaining leave of the court. *See* LR 7.1(j) ("Except with the court's prior permission, a party must not file a motion to reconsider."). A party "must first file and serve a letter of no more than two pages requesting such permission." *Id.* TST has neither sought nor obtained the Court's permission to file a motion for reconsideration. The Court, therefore, construes TST's argument as an implicit request for permission to file a motion to reconsider.

A party may receive permission to file a motion for reconsideration only by showing "compelling circumstances." *Id.* "Motions for reconsideration serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence." *Hagerman v. Yukon Energy Corp.*, [839 F.2d 407, 414](#) (8th Cir. 1988) (quoting *Rothwell Cotton Co. v. Rosenthal & Co.*, [827 F.2d 246, 251](#) (7th Cir. 1987)). A motion for reconsideration cannot be employed to introduce evidence or arguments that could have been made, or tender new legal theories for the first time. *See id.*

TST contends that the Court's September 15, 2021 Order, which awarded attorneys' fees to Belle Plaine as a sanction under Rule 11, Fed. R. Civ. P., is legally erroneous because the Court did not address whether nonmonetary sanctions would be insufficient. In doing so, TST expressly "acknowledge[s] that the Court has already rejected these lines of argument." As such, TST concedes that it is attempting to repeat

arguments it previously made, which is an improper basis for seeking reconsideration. *See Hagerman*, [839 F.2d at 414](#).

Moreover, TST has not identified a manifest error of law in the Court's September 15, 2021 Order. As this Court observed, the United States Court of Appeals for the Eighth Circuit repeatedly and unequivocally has held that "a district court abuses its discretion by refusing to sanction a plaintiff and his counsel under Rule 11 for filing and maintaining a frivolous lawsuit when the plaintiff seeks to relitigate claims [the plaintiff] had been denied leave to serve against the same defendant in an earlier lawsuit." *Pro. Mgmt. Assocs., Inc. v. KPMG LLP*, [345 F.3d 1030, 1033](#) (8th Cir. 2003); *King v. Hoover Grp., Inc.*, [958 F.2d 219, 223](#) (8th Cir. 1992) (concluding that "the district court erred in determining that sanctions and costs were inappropriate" because "counsel should have realized that *King II* was barred by *King I* because of the identity of the facts and issues"); *accord Landscape Props., Inc. v. Whisenhunt*, [127 F.3d 678, 683](#) (8th Cir. 1997) (affirming district court's award of Rule 11 sanctions in the same circumstances).

As this Court previously acknowledged, a sanction imposed under Rule 11 "must be limited to what suffices to deter repetition of the conduct or comparable conduct by others similarly situated." [Fed. R. Civ. P. 11\(c\)\(4\)](#). When applying this standard, a "district court has *discretion* to impose non-monetary sanctions, but it is not required to do so." *Kirk Cap. Corp. v. Bailey*, [16 F.3d 1485, 1490](#) (8th Cir. 1994). Although Rule 11 "de-emphasizes monetary sanctions and discourages direct payouts to the opposing party, the rule also recognizes that under unusual circumstances . . . deterrence

may be ineffective unless the sanction not only requires the person violating the rule to make a monetary payment, but also directs that some or all of this payment be made to those injured by the violation.” *Murphy v. Aurora Loan Servs., LLC*, [859 F. Supp. 2d 1016, 1022](#) (D. Minn. 2012) (internal quotation marks and citations omitted). Rule 11 expressly provides that “if imposed on motion and warranted for effective deterrence,” sanctions may include “an order directing payment to the movant of part or all of the reasonable attorney’s fees and other expenses directly resulting from the violation.” [Fed. R. Civ. P. 11\(c\)\(4\)](#).

In its September 15, 2021 Order, this Court observed that, after the magistrate judge denied TST’s motion to amend its complaint in *Satanic Temple I*, TST’s recourse was to appeal that decision, not start a new lawsuit. But TST did not even *attempt* to pursue its proper recourse, the Court observed. Instead, TST filed a second frivolous lawsuit. Notably, TST filed its second lawsuit after the magistrate judge in *Satanic Temple I* had expressly rejected this strategy, finding in a January 26, 2021 Order that Belle Plaine “would in fact be severely prejudiced if [TST] were permitted to reassert its claims anew in a second round of litigation.” TST did not appeal that finding, but instead blatantly disregarded it.

TST’s misconduct resulted in a waste of resources, both for Belle Plaine and for the Court. And TST’s misconduct in filing *Satanic Temple II* occurred after TST had disregarded multiple court-imposed deadlines in *Satanic Temple I*, demonstrated an extraordinary lack of diligence in attempting to comply with the deadlines in *Satanic*

*Temple I*, and made an untimely attempt in *Satanic Temple I* to baselessly reassert claims that the Court had dismissed. TST's behavior, including its repeated disregard of court orders, suggests that a mere reprimand from the Court would be insufficient to deter similar misconduct in the future. As such, the Court exercised its discretion and determined that an award of attorneys' fees, limited to those reasonably incurred in responding to the frivolous complaint in *Satanic Temple II* and seeking sanctions, is necessary to deter repetition of the same or similar misconduct. The Eighth Circuit has affirmed the imposition of monetary sanctions in analogous circumstances. *See, e.g., Meyer v. U.S. Bank Nat'l Ass'n*, [792 F.3d 923, 927–28](#) (8th Cir. 2015) (affirming imposition of monetary sanction against plaintiff who attempted to evade preclusive effect of prior judgment); *Landscape Props.*, [127 F.3d at 683–85](#) (same). TST has identified no manifest error of law or fact in this Court's similar determination here.

Accordingly, to the extent that TST implicitly requests permission to file a motion to reconsider the decision to impose monetary sanctions in the Court's September 15, 2021 Order, the request is denied.

## **II. Attorneys' Fees Amount**

Belle Plaine contends that it reasonably incurred \$33,886.80 in attorneys' fees responding to the complaint and seeking sanctions in *Satanic Temple II*. Belle Plaine's request is limited to attorneys' fees and does not include disbursements or expenses. TST counters that Belle Plaine incurred no attorneys' fees because Belle Plaine has not



demonstrated that it, as opposed to its insurer, incurred such fees. In the alternative, TST argues that Belle Plaine's requested attorneys' fees amount is unreasonable.

**A. Attorneys' Fees Incurred by Insurer**

TST first argues that Belle Plaine cannot recover any attorneys' fees because Belle Plaine has not established that it incurred any fees. Because Belle Plaine's municipal liability is covered under an insurance policy, TST maintains, any attorneys' fees were incurred by the insurance company rather than Belle Plaine.

TST identifies no legal authority in support of this argument. It is true that, in other fee-shifting contexts, a party may not recover attorneys' fees that were not incurred by the party seeking the attorneys' fee award but instead were incurred by a third party, such as an insurer. *See S.E.C. v. Comserv Corp.*, [908 F.2d 1407, 1414–16](#) (8th Cir. 1990) (holding that, under the fee-shifting provision of the Equal Access to Justice Act, typically “fees are ‘incurred’ when there is a legal obligation to pay them”); *accord United States v. 122.00 Acres of Land*, [856 F.2d 56, 57–58](#) (8th Cir. 1988) (holding that, because the party seeking fees had no obligation to pay his attorney under a contingent-fee arrangement, he had not “incurred” attorneys' fees within the meaning of the applicable fee-shifting statute). But as explained below, these cases are inapposite.

The fee-shifting statutes at issue in *Comserv* and *122 Acres* expressly limited attorneys' fees awards to the fees “incurred” by the party seeking the award. *Comserv*,

908 F.2d at 1412; *accord 122 Acres*, 856 F.2d at 58.<sup>1</sup> In contrast, Belle Plaine seeks attorneys' fees under Rule 11 of the Federal Rules of Civil Procedure, which contains no such limitation.<sup>2</sup> Instead, sanctions for a Rule 11 violation may include "payment to the movant of part or all of the reasonable attorney's fees and other expenses *directly resulting from the violation*." Fed. R. Civ. P. 11(c)(4) (emphasis added). This Court's research has not identified any relevant legal authority requiring Belle Plaine to prove that it directly incurred the attorneys' fees it seeks under Rule 11 or that those attorneys' fees were not covered by insurance. Nor has TST cited any.

Moreover, the record is unclear as to the scope of Belle Plaine's municipal liability coverage, including any rights Belle Plaine's insurer might have to recover any portion of the attorneys' fees the Court awards to Belle Plaine. The manner in which legal expense obligations should be allocated between Belle Plaine and its insurer is not at issue in this case, nor is such allocation relevant to the reasonable amount of the sanction that should be imposed on TST. Indeed, even if some or all of Belle Plaine's legal fees *may* have

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<sup>1</sup> As the Eighth Circuit recognized in *Comserv*, the legislative purpose of the fee-shifting provision of the Equal Access to Justice Act (EAJA) is to diminish the impact of litigation expenses that might deter plaintiffs from bringing EAJA claims. *See* 908 F.2d at 1415. The Eighth Circuit observed that this purpose is not implicated when an EAJA plaintiff has no legal obligation to pay attorneys' fees and, therefore, whether a party actually incurred attorneys' fees is material to whether such fees are recoverable under the EAJA. *Id.* That reasoning does not apply here because the purpose of Rule 11 sanctions is to deter misconduct, and that purpose is fulfilled by monetary sanctions regardless of the scope of the opposing party's legal obligation to pay attorneys' fees.

<sup>2</sup> Although the Court's September 15, 2021 Order used the phrase "attorneys' fees Belle Plaine incurred," the scope of the Court's discretion to award sanctions is governed by the text of Rule 11, Fed. R. Civ. P.

been covered by municipal liability insurance, such fees nonetheless “directly result[ed] from” TST’s misconduct, which is the legal basis for the Rule 11 sanctions the Court imposed. *See* [Fed. R. Civ. P. 11\(c\)\(4\)](#).

Accordingly, the fact that Belle Plaine has municipal liability insurance does not preclude the Court from awarding Belle Plaine its reasonable attorneys’ fees as a sanction for TST’s misconduct under Rule 11, Fed. R. Civ. P.

### **B. Reasonableness**

Under Rule 11, Belle Plaine may be awarded only *reasonable* attorneys’ fees. [Fed. R. Civ. P. 11\(c\)\(4\)](#). The parties dispute whether Belle Plaine’s request for \$33,886.80 in attorneys’ fees is reasonable.

A district court has substantial discretion when determining the reasonableness of attorneys’ fees. *Hensley v. Eckerhart*, [461 U.S. 424, 437](#) (1983); *Jarrett v. ERC Props., Inc.*, [211 F.3d 1078, 1084–85](#) (8th Cir. 2000). The burden of establishing that the fees sought are reasonable rests with the party seeking attorneys’ fees. *Hensley*, [461 U.S. at 433–34](#). Courts employ the lodestar method when determining the amount of reasonable attorneys’ fees. *Pennsylvania v. Del. Valley Citizens’ Council for Clean Air*, [478 U.S. 546, 563–64](#) (1986). Under this method, the lodestar amount is presumed to be the reasonable fee to which counsel is entitled. *Id.* at 565; *McDonald v. Armontrout*, [860 F.2d 1456, 1458](#) (8th Cir. 1988). To calculate the lodestar amount, a district court multiplies the number of hours reasonably expended by a reasonable hourly rate, *Hensley*, [461 U.S. at 433](#), which must be “in line with [the] prevailing [rate] in the

community for similar services by lawyers of reasonably comparable skill, experience and reputation,” *Blum v. Stenson*, [465 U.S. 886, 895 n.11](#) (1984). The party seeking an attorneys’ fees award has the burden to establish entitlement to an award with documentation that addresses the nature of the work and the appropriateness of the hourly rates and hours expended. *See Fish v. St. Cloud State Univ.*, [295 F.3d 849, 851](#) (8th Cir. 2002) (citing *Hensley*, [461 U.S. at 437](#)).

Belle Plaine seeks \$33,886.80 in attorneys’ fees. As reflected in the billing records of Belle Plaine’s counsel, this amount is based on 157.4 hours of work performed by two attorneys, at hourly rates of \$255 and \$210, and one paralegal, at an hourly rate of \$148. These hourly rates are lower than the typical rates of these individuals, as these rates reflect “discounts . . . negotiated for this matter.” TST disputes the reasonableness of both the claimed hourly rates and the number of hours expended by Belle Plaine’s counsel. The Court addresses each argument in turn.

### **1. Hourly Rates**

Belle Plaine seeks attorneys’ fees for the work of two attorneys, Monte A. Mills and Katherine M. Swenson, and one paralegal, Kathleen A. Dolphin. Mills claims a normal hourly rate of \$610, discounted to \$255 for this matter. Swenson claims a normal hourly rate of \$495, discounted to \$210 for this matter. And Dolphin claims a normal hourly rate of \$330, discounted to \$148 for this matter.

A district court may rely on its experience and knowledge of prevailing market rates to determine whether the claimed hourly rate is reasonable. *Hanig v. Lee*, [415 F.3d](#)

822, 825 (8th Cir. 2005). A reasonable fee is “one that is adequate to attract competent counsel, but . . . [that does] not produce windfalls to attorneys.” *McDonald*, 860 F.2d at 1458 (quoting *Blum*, 465 U.S. at 897). The “skill, experience, and reputation of counsel are key factors bearing on a rate’s reasonableness.” *Id.* at 1459. Here, although TST asserts that Dolphin’s paralegal rate is unreasonable, TST fails to explain what is unreasonable about her rate. Indeed, *all* of the rates claimed in Belle Plaine’s filing, which have been discounted by more than 50 percent, are far below prevailing market rates in this District.

Accordingly, based on the Court’s experience and knowledge of both prevailing market rates and the reputation of Belle Plaine’s counsel, the Court concludes that the claimed hourly billing rates “are in line with those prevailing in the community for similar services by lawyers of reasonably comparable skill, experience and reputation.” *Blum*, 465 U.S. at 895 n.11. As TST has not persuasively demonstrated otherwise, Belle Plaine’s claimed hourly billing rates are reasonable.

## **2. Number of Hours Expended**

Belle Plaine seeks attorneys’ fees for 157.4 hours of work performed in connection with this case. TST contends that the number of hours expended by Belle Plaine’s counsel is unreasonable because it includes duplicative and excessive work and because the billing records lack sufficient detail.

When conducting a lodestar analysis, a district court should exclude “hours that were not reasonably expended.” *Hensley*, 461 U.S. at 434 (internal quotation marks

omitted). As such, counsel “should make a good faith effort to exclude from a fee request hours that are excessive, redundant, or otherwise unnecessary.” *Id.* In addition, because incomplete or imprecise billing records may prevent a district court from meaningfully reviewing a request for excessive, redundant, or otherwise unnecessary hours, “[i]nadequate documentation may warrant a reduced fee.” *H.J. Inc. v. Flygt Corp.*, 925 F.2d 257, 260 (8th Cir. 1991).

Here, Belle Plaine relies on nine pages of billing records submitted by its counsel. These records reflect that the work performed by counsel in *Satanic Temple II* included reviewing the relevant filings in both *Satanic Temple I* and *Satanic Temple II*; researching, drafting and editing Belle Plaine’s motion to dismiss and motion for Rule 11 sanctions in *Satanic Temple II*; and numerous entries that involved Belle Plaine’s attorneys and paralegal “strategi[zing]” or reviewing and supervising each other’s work.

When awarding attorneys’ fees, “district courts must be mindful of both redundant and excessive hours.” *Orduno v. Pietrzak*, 932 F.3d 710, 720 (8th Cir. 2019) (internal quotation marks omitted). Significantly, much of Belle Plaine’s briefing in *Satanic Temple II* appears to be duplicative of briefing that previously was filed in *Satanic Temple I*. TST’s misconduct in *Satanic Temple II* involved re-filing the same claims that had been dismissed and rejected as futile in *Satanic Temple I*. Therefore, Belle Plaine previously researched and drafted multiple briefs challenging the legal and factual viability of TST’s claims—first, when Belle Plaine moved to dismiss substantially similar claims in *Satanic Temple I*; a second time, when opposing TST’s motion to amend its



complaint to reassert those claims in *Satanic Temple I*; and a third time, when opposing TST's appeal of the magistrate judge's denial of TST's motion to amend the complaint in *Satanic Temple I*. In its motion for attorneys' fees, Belle Plaine—which has the burden to establish that the fees it seeks are reasonable—makes no effort to explain these apparent redundancies. Thus, the Court must estimate what portion of the work performed in *Satanic Temple II* was effectively redundant of work performed in *Satanic Temple I*.

Belle Plaine's motion to dismiss in *Satanic Temple II* is supported by 52 pages of briefing. Only approximately 10 pages of that briefing, however, are devoted to the issue of res judicata. The remainder of Belle Plaine's briefing addresses the factual and procedural background of the litigation and the factual and legal deficiencies in TST's complaint, which are substantially similar to arguments previously asserted in *Satanic Temple I*.<sup>3</sup> Similarly, the briefing in support of Belle Plaine's motion for Rule 11 sanctions in *Satanic Temple II* largely includes a recitation of the factual and procedural background of TST's two lawsuits and the same res judicata arguments asserted in Belle Plaine's motion to dismiss. Only approximately seven pages of the 24-page brief in support of Belle Plaine's motion for sanctions specifically address the issue of Rule 11 sanctions.

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<sup>3</sup> Some additional effort undoubtedly was necessary in *Satanic Temple II* to compare the claims asserted in each case and address any differences. But those differences were relatively minor, and Belle Plaine has neither described nor explained the additional effort.

Moreover, the two unique issues that directly resulted from TST's misconduct—namely, *res judicata* and the propriety of Rule 11 sanctions for this type of misconduct—are not particularly novel or difficult. *See Orduno*, [932 F.3d at 720](#) (affirming 40-percent reduction in requested attorneys' fees amount because the “case was not factually complex” and “the legal issues involved [were] not particularly novel or difficult” (internal quotation marks omitted)). As this Court previously observed, the record clearly and undisputedly established all but one of the elements of *res judicata*. And Eighth Circuit precedent clearly established not only that the fourth element of *res judicata* applied in this case, but also that TST's conduct warranted sanctions. *See Pro. Mgmt. Assocs.*, [345 F.3d at 1033](#); *Landscape Props.*, [127 F.3d at 683](#); *King*, [958 F.2d at 223](#). Indeed, the Court dismissed *Satanic Temple II* and awarded sanctions precisely because TST's filing of *Satanic Temple II* plainly was improper.

Because much of the work that Belle Plaine's counsel expended in this case was duplicative of work expended in *Satanic Temple I*, and the issues unique to this case were not factually or legally complex, novel or difficult, the Court concludes that the 157.4 hours of work performed in connection with this case was unreasonably excessive. However, because Belle Plaine's arguments and attorney billing records are insufficiently detailed to precisely eliminate only redundant or otherwise excessive hours expended, a percentage-based reduction in the requested attorneys' fees amount is appropriate. *See Miller v. Woodharbor Molding & Millworks, Inc.*, [174 F.3d 948, 949–50](#) (8th Cir. 1999);

*accord Orduno*, [932 F.3d at 720](#) (affirming percentage-based reduction in requested attorneys' fees because the requested amount was excessive).

Accordingly, a 50 percent reduction in the attorneys' fees sought by Belle Plaine is warranted. Consequently, the Court reduces Belle Plaine's requested attorneys' fees from \$33,886.80 to a reasonable amount of \$16,943.40.

### ORDER

Based on the foregoing analysis and all the files, records and proceedings herein,  
**IT IS HEREBY ORDERED:**

1. Defendant City of Belle Plaine, MN's motion for attorneys' fees, ([Dkt. 49](#)), is **GRANTED IN PART AND DENIED IN PART** as addressed herein.

2. Defendant City of Belle Plaine, MN, is awarded reasonable attorneys' fees, pursuant to [Federal Rule of Civil Procedure 11\(c\)](#), in the amount of \$16,943.40.

3. Plaintiff The Satanic Temple, Inc.'s counsel—namely, Matthew A. Kezhaya, Jason Scott Juron, Robert R. Hopper, and their respective law firms—are jointly and severally liable, pursuant to [Federal Rule of Civil Procedure 11\(c\)](#), for the sanctions imposed by this Order.

4. The sanctions imposed by this Order shall be paid to Greene Espel PLLP within 14 days after the date of this Order.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 24, 2022

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge

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**UNITED STATES DISTRICT COURT**  
**District of Minnesota**

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Satanic Temple, Inc., The

**JUDGMENT IN A CIVIL CASE**

Plaintiff(s),

v.

Case Number: 21-cv-00336-WMW-JFD

City of Belle Plaine, MN

Defendant(s).

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- Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED THAT:

1. Defendant City of Belle Plaine, MN's motion for attorneys' fees, ([Dkt. 49](#)), is **GRANTED IN PART AND DENIED IN PART** as addressed herein.
2. Defendant City of Belle Plaine, MN, is awarded reasonable attorneys' fees, pursuant to [Federal Rule of Civil Procedure 11\(c\)](#), in the amount of \$16,943.40.
3. Plaintiff The Satanic Temple, Inc.'s counsel—namely, Matthew A. Kezhaya, Jason Scott Juron, Robert R. Hopper, and their respective law firms—are jointly and severally liable, pursuant to [Federal Rule of Civil Procedure 11\(c\)](#), for the sanctions imposed by this Order.
4. The sanctions imposed by this Order shall be paid to Greene Espel PLLP within 14 days after the date of this Order.

Date: 5/25/2022

KATE M. FOGARTY, CLERK

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## UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

Warren E. Burger Federal  
Building and U.S. Courthouse  
316 North Robert Street  
Room 100  
St. Paul, MN 55101

Diana E. Murphy  
U.S. Courthouse  
300 South Fourth Street  
Room 202  
Minneapolis, MN 55415

Gerald W. Heaney Federal  
Building and U.S. Courthouse  
and Customhouse  
515 West First Street  
Duluth, MN 55802

Edward J. Devitt U.S.  
Courthouse and Federal  
Building  
118 South Mill Street  
Fergus Falls, MN 56537

### CIVIL NOTICE

**The appeal filing fee is \$505.00. If you are indigent, you can apply for leave to proceed in forma pauperis, ("IFP").**

The purpose of this notice is to summarize the time limits for filing with the District Court Clerk's Office a Notice of Appeal to the Eighth Circuit Court of Appeals or the Federal Circuit Court of Appeals (when applicable) from a final decision of the District Court in a civil case.

***This is a summary only. For specific information on the time limits for filing a Notice of Appeal, review the applicable federal civil and appellate procedure rules and statutes.***

Rule 4(a) of the Federal Rules of Appellate Procedure (Fed. R. App. P.) requires that a Notice of Appeal be filed within:

1. Thirty days (60 days if the United States is a party) after the date of "entry of the judgment or order appealed from;" or
2. Thirty days (60 days if the United States is a party) after the date of entry of an order denying a timely motion for a new trial under [Fed. R. Civ. P. 59](#); or
3. Thirty days (60 days if the United States is a party) after the date of entry of an order granting or denying a timely motion for judgment under [Fed. R. Civ. P. 50\(b\)](#), to amend or make additional findings of fact under [Fed. R. Civ. P. 52\(b\)](#), and/or to alter or amend the judgment under [Fed. R. Civ. P. 59](#); or
4. Fourteen days after the date on which a previously timely Notice of Appeal was filed.

If a Notice of Appeal is not timely filed, a party in a civil case can move the District Court pursuant to [Fed. R. App. P. 4\(a\)\(5\)](#) to extend the time for filing a Notice of Appeal. This motion must be filed no later than 30 days after the period for filing a Notice of Appeal expires. If the motion is filed after the period for filing a Notice of Appeal expires, the party bringing the motion must give the opposing parties notice of it. The District Court may grant the motion, but only if excusable neglect or good cause is shown for failing to file a timely Notice of Appeal.

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

MATTHEW A. KEZHAYA, as  
Real Party-Appellant in Interest

CASE NO.  
21-CV-336 (WMW/JFD)

v.

CITY OF BELLE PLAINE, MN, as  
Defendant-Appellee

**NOTICE OF APPEAL**

and

GREENE ESPEL PLLP, as  
Real Party-Appellee in Interest.

**NOTICE IS HEREBY GIVEN** that Matthew A. Kezhaya (the real party-appellant in interest on the issue of monetary sanctions), appearing *pro se*, hereby appeals to the United States Court of Appeals for the Eighth Circuit from the order granting money judgment in the amount of \$16,943.40 as monetary sanctions under Rule 11(c), to be paid within 14 days to Greene Espel PLLP (the real party-appellee in interest on the monetary sanctions), jointly and severally by Matthew A. Kezhaya, Jason S. Juron, and Robert R. Hopper and their respective law firms; on the account for Belle Plaine in this matter. [Doc. 58](#) (order, entered on May 24, 2022); [Doc. 59](#) (judgment, entered on May 25, 2022).

Appellate jurisdiction on the collateral issue of sanctions was unavailable



until after the order assessing money judgment was entered. *Lee v. L.B. Sales, Inc.*, [177 F.3d 714, 717](#) (8th Cir. 1999). The orders of dismissal were otherwise a “final judgment” for purposes of [28 USC § 1291](#) because the “entire controversy” had been resolved among the parties to the litigation. *See Morris v. Barkbuster, Inc.*, [923 F.2d 1277, 1280](#) (8th Cir. 1991). This notice is therefore timely.

Respectfully submitted on June 2, 2022,

By: /s/ Matthew A. Kezhaya, pro se

Matthew A. Kezhaya, MN# 0402193



KEZHAYA LAW PLC

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**CERTIFICATE AND NOTICE OF SERVICE**

**NOTICE IS GIVEN** that I, Matthew A. Kezhaya, efiled the foregoing document by uploading it to the Court’s CM/ECF system on June 2, 2022 which sends service to registered users, including all other counsel of record in this cause. s/ Matthew A. Kezhaya



**UNITED STATES  
DISTRICT COURT  
DISTRICT OF MINNESOTA**

**Warren E. Burger Federal  
Building and U.S. Courthouse**  
316 North Robert Street  
Room 100  
St. Paul, MN 55101

**Diana E. Murphy  
U.S. Courthouse**  
300 South Fourth Street  
Room 202  
Minneapolis, MN 55415

**Gerald W. Heaney Federal  
Building and U.S. Courthouse  
and Customhouse**  
515 West First Street  
Duluth, MN 55802

**Edward J. Devitt U.S.  
Courthouse and Federal  
Building**  
118 South Mill Street  
Fergus Falls, MN 56537

**TRANSMITTAL OF APPEAL**

Date: 6/3/2022

To: U.S. COURT OF APPEALS, 8TH CIRCUIT

From: CLK U.S. District Court-Minnesota

In Re: District Court Case No. 21-cv-00336-WMW-JFD  
Eighth Circuit Case No.: Not yet assigned  
Case Title: Satanic Temple, Inc., The v. City of Belle Plaine, MN

The statutory filing fee has:

- been paid, receipt number: AMNDC-9549816
- not been paid as of  
IFP  is  is not pending
- been waived because:
  - Application for IFP granted  USA filed appeal

Length of Trial: n/a

Was a court reporter utilized?  Yes  No

If yes, please identify the court reporter: Lori Simpson 651-848-1225