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Ramsey County, MN

STATE OF MINNESOTA DISTRICT COURT

COUNTY OF RAMSEY SECOND JUDICIAL DISTRICT

Case type: Civil

Court File No. 62-CV-18-4145

Michelle L. MacDonald, MacDonald Law Firm, LLC, Plaintiffs, vs. Michael Brodkorb, individually and doing business as www.MissinginMinnesota.com, Missing in Minnesota, LLC, and John and Mary Does, Defendants.	**DEFENDANTS' MOTION FOR RULE 11 SANCTIONS AGAINST KARLOWBA ADAMS POWELL**

TO: PLAINTIFFS ABOVE-NAMED, and Karlowba Adams Powell.

The Plaintiffs have filed the same lawsuit in two counties in Minnesota. Prior to filing the instant case, the Plaintiffs filed this lawsuit in Dakota County on June 15, 2018 and case number 19HA-CV-18-2643 was assigned. As of the date of this memorandum, that case is pending and the Dakota County Court has issued a scheduling order. Yesterday, July 24, 2018, Attorney Karlowba Adams Powell filed an "Amended Complaint" in this matter. This "Amended Complaint" was served after a responsive pleading (the Defendants' motion for Rule 11 Sanctions) had been served. This appears to be in violation of Minn. R. Civ. P. 15.01. More significantly, a review of the "Amended Complaint" against the original complaint in this case reveals that with the exception of the signature block, the two

documents are identical. The only amendment to the complaint was the signature block. The Plaintiffs have now filed the same complaint three times in Minnesota Courts – once in Dakota where the case is still pending, and now twice in Ramsey County. Attorney Karlowba Adams Powell has knowingly filed the exact same Complaint in Ramsey County that she is well aware is also pending in Dakota County, it is for this reason she should face sanction under Minn. R. Civ. P. 11.

MINNESOTA RULE OF CIVIL PROCEDURE 11

Minn. R. Civ. P. 11.02 states in relevant part as follows:

"11.02 Representations to Court

By presenting to the court (whether by signing, filing, submitting, or later advocating) a pleading, written motion, or other document, an attorney or self-represented litigant is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(a) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

The Defendants contend that the Complaint in this case violates the above provision of Minn. R. Civ. P. 11.02. Specifically, the filing of the same lawsuit in two counties is harassing and creates needless increase in the cost of litigation.

CONCLUSION

Based upon the foregoing, the Defendants respectfully request that the relief sought in the instant motion be granted by the Court. The undersigned states under penalty of perjury that the factual assertions in this memorandum are true and correct.

Respectfully submitted,

Dated: July 25, 2018

/e/ Nathan M. Hansen

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ACKNOWLEDGMENT

The undersigned hereby acknowledges that sanctions may be imposed under the circumstances set forth in Minn. Stat. § 549.211.

Dated: July 25, 2018

/e/ Nathan M. Hansen
Nathan M. Hansen #0328017