

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF ST. LOUIS

SIXTH JUDICIAL DISTRICT

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Respect Starts Here, a  
membership organization, et al.,

Court File No. 69DU-CV-18-953

Plaintiffs,

**COURT'S ORDER**

vs.

Duluth Economic Development  
Authority, et al.,

Defendants.

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The above-entitled matter came before the undersigned Judge of District Court on January 4, 2021, for a remote hearing. Plaintiff Respect Starts Here was represented by Attorney Miles Ringsred. Plaintiff Eric Ringsred was represented by Attorney William Paul. Defendants were represented by Assistant City Attorneys Elizabeth Sellers, Rebecca St. George, and Sara Baldwin.

The parties were there pursuant to Plaintiffs' amended motion for enforcement of the appellate court order. The motion had originally been brought in September of 2020, following the August 31, 2020, opinion of the Minnesota Court of Appeals. The parties then requested a continuance, with the hope that they could mediate a resolution of the issues.

On November 1-2, 2020, a fire occurred at the property, which has extensively damaged the building. In the Court's view, this necessitated a further

review of what was even possible with regard to building repairs. Defendants promised an expeditious review by the engineering firm that had previously looked at the building.

In December of 2020, Defendants filed a motion asking the Court to lift the temporary injunction and allow demolition of all or part of the building. Plaintiffs renewed their motion for enforcement of the appellate court order, submitting an affidavit from an engineer of their own indicating ways the building could still be saved.

The two motions were heard on January 4, 2021, with arguments submitted by counsel for both sides. The Court asked Defendants to supply additional information that would allow the Court to make a ruling on the motions. Defendant supplied that information through a letter and affidavits on January 11, 2021. Plaintiffs were invited to respond, and they did so via letter on January 20, 2021.

Plaintiffs' letter suggests a flexible, phased approach that will allow the Court and the parties to evaluate the building in stages. The Court believes this will also be beneficial to any additional evidentiary hearing that takes place regarding the Court of Appeals' remand. As described by the letter of Plaintiffs' counsel, the first phase would involve lateral bracing on the exterior of the portion of the building most damaged by the fire. Phase two consists of removing debris from the roof and then, if possible, from the lower levels. Phase three would

involve restoring the structural integrity of the fire-damaged portion of the building.

The Court believes that this sort of phased approach is the most sensible and allows the Court and the parties to collect all necessary information to determine whether advancing to the next phase is prudent.

Based on the foregoing, the Court hereby makes the following:

### **ORDERS**

1. Defendants are to undertake phase one work, as described above. The manner of the bracing will be left to the professionals, whether that is the report of Plaintiffs' engineer James Berry, or the masonry wall bracing conceptual estimate contained within Defendants' January 11, 2021 submission Exhibit A, Exhibit 3.
2. Defendants shall secure detailed estimates for phase two work. Defendants' January 11, 2021 Exhibit A, Exhibit 2, may include that work.
3. Plaintiffs suggest that the Court order Defendants to hire Plaintiffs' engineer Mr. Berry. The Court declines to do that, but does order that Mr. Berry and one other representative to be named by Plaintiff are to be kept informed of what work is being done and when. Plaintiffs' Engineer Berry and Plaintiffs' other representative are to be provided reasonable

access to the site and the work being done in a way that ensures safety for all. Plaintiffs' representatives may not interfere with the work in any way.

4. Once the first phase is done, the parties shall arrange a morning telephonic conference with the Court to discuss progress, both parties' ideas regarding what should happen next, and what further court orders are necessary.

BY THE COURT:

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Honorable Eric L. Hylden  
Judge of District Court