
State of Minnesota, by its Attorney General,
Keith Ellison,

Court File No. 27-CV-24-18827

Plaintiff,

vs.

Glock, Inc. and Glock Ges.m.b.H.,

Defendants.

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING
DEFENDANT GLOCK, INC.'S MOTION TO STAY ALL DISCOVERY**

The above-entitled matter came duly before the Honorable Christian Sande, Judge of the above-named court, on Monday, March 10, 2025 at the Hennepin County Government Center, Minneapolis, Minnesota.

Katherine Moerke and Jacob Harris, Attorneys at Law, appeared on behalf of the plaintiff;

Shamus O'Meara and Christopher Renzulli, Attorneys at Law, appeared on behalf of the defendant.

Based upon all the files, records, and proceedings in this case, and the Court being fully advised in the premises, the Court now makes the following:

FINDINGS OF FACT

1. On December 12, 2024, the State of Minnesota filed this lawsuit against Defendant Glock, Inc. and its Austrian parent company, Glock Ges.m.b.H., and the court assigned the case to the Honorable Susan N. Burke.

2. The State alleges that Glock is:

accountable for *their own* conduct in facilitating the conversion of Glock handguns into illegal machine guns and fueling the demand for those guns. Glock handguns, which Glock has known are susceptible to easy conversion to machine guns since at least 1987, pose a continuing and ongoing threat to public safety.¹
3. On December 27, 2024, Glock, Inc. filed a Notice to Remove Judge Burke, and this matter was reassigned to the Honorable Christian Sande.
4. On January 27, 2025, the Court issued an Order Designating Case as Complex Pursuant to Rule 146.
5. On February 3, 2025, Glock, Inc. filed a Notice of Motion and Motion to Dismiss.²
6. The Court held a case management conference on February 18, 2025, during which Glock, Inc. informed the Court of its intention to bring a motion to stay discovery until the resolution of its February 3, 2025 Motion to Dismiss.
7. On February 20, 2025, Glock, Inc. filed a Notice of Motion and Motion to Stay and supporting papers.
8. On February 28, 2025, the State filed a Memorandum of Law in Opposition to Defendant Glock, Inc.'s Motion to Stay Discovery.
9. On March 5, 2025, Glock, Inc. filed a Reply Memorandum of Law in Support of Its Motion to Stay Discovery.
10. The Court held oral argument regarding the Glock, Inc.'s Motion to Stay on March 10, 2025 and took this matter under advisement.

¹ State's Mem. of Law in Opp'n to Def. Glock, Inc.'s Mot. to Stay Disc. 1, Feb. 28, 2025.

² Subsequent to the February 18, 2025 case management conference Glock, Inc. filed amended motion documents. *See* Am. Notice of Mot. and Mot., Feb. 18, 2025.

CONCLUSIONS OF LAW

11. Minn. R. Civ. P. 26.03 provides that a Court may stay discovery upon a motion and showing of good cause; the rule specifically states:

Upon motion by a party *or* by the person from whom discovery is sought, and for good cause shown, the court in which the action is pending . . . may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

(a) that the discovery not be had

See also Minn. R. Gen. Pract. 111.04 (“A scheduling order pursuant to this rule may be amended . . . upon motion for good cause shown.”).

12. In considering such a motion, the Court maintains broad discretion over the scope, limits, and timing of discovery. Minn. R. Civ. P. 26.02, 26.03; *Kielley v. Kielley*, 674 N.W.2d 770, 780 (Minn. Ct. App. 2004) (citation omitted) (“The district court has wide discretion regarding discovery and, absent an abuse of that discretion, its discovery decision will not be altered on appeal”); *Nelson v. Comm’r of Revenue*, 822 N.W.2d 654, 660 (Minn. 2012) (citation omitted) (“A trial court has considerable discretion in ruling on discovery related motions.”).
13. Furthermore, the Minnesota Court of Appeals has stated, “Until such time as the dispositive issues have been ‘sufficiently litigated’, the district courts have the authority to stay or limit discovery.” *Smith v. Britton*, No. A13-1039, 2014 WL 349742, at *6 (Minn. Ct. App. Feb. 3, 2014) (first quoting *Baskerville v. Baskerville*, 246 Minn. 496, 507, 75 N.W.2d 762, 770 (1956); then citing Minn. R. Civ. P. 26.03); *see also Zhang v. Equity Office Props. Tr.*, No. A05-1094, 2006 WL 922883, at *4 (Minn. Ct. App. Apr. 11, 2006) (determining the trial court did not abuse its discretion by staying “all discovery pending its ruling on

respondents' motions to dismiss and for judgment on the pleadings, both of which raised only questions of law").³

14. In support of its Motion to Stay, Glock, Inc. argues:

All discovery should be stayed until after the Court decides Glock, Inc.'s Motion to Dismiss, as a short delay in the start of discovery protects the parties and the Court from litigating legally precluded and deficient claims and engaging in discovery that would equally be legally precluded by the immunity afforded in the [Protection of Lawful Commerce in Arms Act]. A delay in discovery also fosters efficiency where service on the Austrian co-defendant in this case remains pending at this time. As a result, a stay of all discovery would conserve both the parties' and the Court's resources while posing no prejudice to any party.⁴

15. The State contends:

Glock's motion to dismiss is not likely to prevail. And because Glock has not asserted any other hardship beyond the ordinary discovery obligations borne by every litigant in a Minnesota court, Glock has not demonstrated good cause to support staying this case while the Court considers the motion to dismiss. A stay would only benefit Glock by hindering the State's ability to obtain complete and timely relief for the public. Meanwhile, the threat of fully automatic gunfire from Glock handguns in Minnesota continues unabated.⁵

16. The Court determines that Glock, Inc. has shown good cause in support of its Motion to Stay. The Court has yet to decide Glock, Inc.'s Motion to Dismiss, however allowing discovery to move forward on claims that may be dismissed, in full or in part, is not in the best interests of judicial efficiency or conservation of both parties' resources. *See Minn. R. Civ. P. 26.03.*
17. The Court also determines that the State, as a party to this case, is not prejudiced by a stay of discovery. Oral argument regarding Glock, Inc.'s Motion to Dismiss was held on May

³ Unpublished opinions of the court of appeals are not precedential but the district court may cite to them for their persuasive value. *See Donnelly Bros. Const. Co., Inc. v. State Auto Prop. and Cas. Ins. Co.*, 759 N.W.2d 651, 659 (Minn. Ct. App. 2009).

⁴ Def. Glock, Inc.'s Mem. of Law in Supp. of Mot. to Stay All Disc. 5, Feb. 20, 2025.

⁵ State's Mem. of Law in Opp'n to Def. Glock, Inc.'s Mot. to Stay Disc. 2, Feb. 28, 2025.

23, 2025 and is now under advisement. A Court order will therefore be issued in a matter of months, which is an insignificant delay to the parties in a complex lawsuit such as this.⁶

18. Finally, the Court determines that the public is not prejudiced by a motion to stay. While a lawsuit regarding gun violence is a matter of clear public concern, resolution of this case at trial is at least 18 months away.⁷ Thus, any public benefit arising from this lawsuit is equally as far into the future, if not farther pending any appeal.

19. Therefore, the Court grants Defendant Glock, Inc.'s Motion to Stay All Discovery.⁸

ORDER

1. Defendant Glock, Inc.'s Motion to Stay All Discovery is **GRANTED**.
2. All prior and consistent orders remain in full force and effect.
3. Service of a copy of this order made upon self-represented parties by first class U.S. mail at their address(es) last known to the Court Administrator, or to attorneys by e-service, is due and proper service for all purposes.

IT IS SO ORDERED.

Dated: June 2, 2025

Christian Sande
Judge of District Court

Adam Kolb, Esq. (612-540-7019)
Law Clerk to the Honorable Christian Sande
4thJudgeSandeChambers@courts.state.mn.us

⁶ Due to this Motion to Stay, the Court has yet to issue a Scheduling Order in this case. However, the parties filed a Joint Discovery Plan Pursuant to Rule 26.06 on March 3, 2025 requesting a fact discovery deadline of January 30, 2026, expert discovery deadline no earlier than May 29, 2026, and a trial date no earlier than December 1, 2026.

⁷ *Id.*

⁸ As service on Defendant Glock Ges.m.b.H was pending at the time the Court heard this Motion to Stay, *see generally supra* Paragraph 14, this Order only stays discovery sought from Glock, Inc.