

STATE OF MINNESOTA  
COUNTY OF WASHINGTON

DISTRICT COURT  
TENTH JUDICIAL DISTRICT

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John P. Norusis,

Plaintiffs,

v.

City of Marine on Saint Croix,

Defendant.

Case Type: Declaratory Judgment

Court File No.: 82-CV-20-3974

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**PLAINTIFF'S REPLY TO DEFENDANT'S COUNTERCLAIM**

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Plaintiff John P. Norusis ("Plaintiff"), by and through his attorneys, submits this Reply to the Counterclaim of City of Marine on Saint Croix ("Defendant"), and states and alleges as follows:

1. Plaintiff denies each and every allegation of Defendant's Counterclaim unless hereinafter expressly admitted, qualified or otherwise explained.
2. Plaintiff denies any alleged wrongdoing or criminal conduct at issue in the above-captioned matter.
3. Plaintiff denies paragraph 1 of Defendant's Counterclaim.
4. Plaintiff admits paragraphs 2-4 of Defendant's Counterclaim.
5. Plaintiff denies paragraph 5 of Defendant's Counterclaim.
6. In response to paragraph 6 of Defendant's Counterclaim, Plaintiff fully incorporates herein his Complaint and Amended Complaint and denies any allegation set forth in paragraph 6 of Defendant's Counterclaim which is inconsistent with the same.

7. Plaintiff admits paragraphs 7-8 of Defendant's Counterclaim.
8. Plaintiff denies paragraphs 9-10 of Defendant's Counterclaim.
9. In response to paragraph 11 of Defendant's Counterclaim, Plaintiff admits that Defendant's attorney sent correspondence on March 16, 2021, but denies that Defendant's attorney has firsthand knowledge of any events complained of therein or that Defendant's attorney's correspondence constitutes admissible evidence.
10. In response to paragraph 12 of Defendant's Counterclaim, Plaintiff is without knowledge or information sufficient to form a belief as to the truth of what are "citizen complaints" and therefore denies the same.
11. In response to paragraph 13 of Defendant's Counterclaim, Plaintiff states that the validity, or lack thereof, of the Ordinance is at issue in the above-captioned matter.
12. Plaintiff denies paragraphs 14-15 of Defendant's Counterclaim.
13. In response to paragraph 16 of Defendant's Counterclaim, Plaintiff denies that the Ordinance is valid and enforceable.
14. In response to paragraph 17 of Defendant's Counterclaim, Plaintiff restates and realleges the denials, admissions and qualifications set forth above.
15. In response to paragraphs 18-19 of Defendant's Counterclaim, Plaintiff denies that Defendant has properly commenced claims against Plaintiff for alleged violations of the Ordinance and therefore denies the same.
16. In response to paragraph 20 of Defendant's Counterclaim, Plaintiff restates and realleges the denials, admissions and qualifications set forth above.

17. In response to paragraphs 21-23 of Defendant's Counterclaim, Plaintiff denies that Defendant has properly commenced claims against Plaintiff for alleged violations of the Ordinance and therefore denies the same. Plaintiff denies any alleged wrongdoing.

#### **AFFIRMATIVE DEFENSES**

1. Defendant's Counterclaim fails to state claims upon which relief can be granted.
2. Defendant has failed to comply with Minn. R. Crim. P. 6.01, subd. 1(c).
3. Defendant has failed to comply with Minn. Stat. § 484.82.
4. The Ordinance is unconstitutional.
5. The Ordinance is unenforceable.
6. Plaintiff reserves the right to assert any other affirmative defense applicable as may be disclosed in discovery.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff John P. Norusis prays for judgment against Defendant City of Marine on Saint Croix as follows:

- A. Awarding Plaintiff the relief sought in his Amended Complaint;
- B. Dismissing Defendant's Counterclaim in its entirety and with prejudice;
- C. Awarding Plaintiff his costs, disbursements and reasonable attorneys' fees as permitted by law and/or equity; and
- D. For such other and further relief as the Court deems just and equitable.

Dated: June 9, 2021

Sincerely,  
**SCHWARTZ LAW FIRM**

/s Brandon M. Schwartz  
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### **ACKNOWLEDGMENT**

The undersigned hereby acknowledges that sanctions may be imposed pursuant to  
Minnesota Statute § 549.211.

Dated: June 9, 2021

Sincerely,  
**SCHWARTZ LAW FIRM**

/s Brandon M. Schwartz  
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