

*This opinion is nonprecedential except as provided by  
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A24-1082**

Arianna Anderson, et al.,  
Appellants,

vs.

City of Minneapolis,  
Respondent.

**Filed April 7, 2025  
Affirmed as modified  
Schmidt, Judge**

Hennepin County District Court  
File No. 27-CV-23-16510

Ben D. Kappelman, Spencer Tauchen, Brock Huebner, Dorsey & Whitney LLP,  
Minneapolis, Minnesota (for appellants)

Kristyn Anderson, Minneapolis City Attorney, Gregory P. Sautter, Munazza Humayun,  
Assistant City Attorneys, Minneapolis, Minnesota (for respondent)

Considered and decided by Johnson, Presiding Judge; Larkin, Judge; and Schmidt,  
Judge.

**NONPRECEDENTIAL OPINION**

**SCHMIDT**, Judge

Appellants Arianna Anderson, Shanika Henderson, Daron Holloway, Brianna Lofton, Chase McKay, John Doe, Dennis Wagner, Debra Wagner, Donald Samuels, and Juliee Oden (collectively, the Residents) challenge the district court's dismissal of their suit against respondent City of Minneapolis. The Residents' lawsuit alleged violations of

the Minnesota Human Rights Act (MHRA), breach of a duty under the Minneapolis Code of Ordinances, and a “breach of duty” under the Minnesota Constitution’s Equal Protection Clause. Because official immunity bars the Residents’ claims under the MHRA and the Minneapolis Code, and because the Residents improperly pleaded their equal protection claim, we affirm as modified.

## FACTS

The following facts are derived from the complaint, which we accept as true and construe all reasonable inferences in favor of the Residents.<sup>1</sup> The Residents have lived in North Minneapolis for various durations between 1984 and 2023. Minneapolis has a reporting line that community members “report housing code violations and other problems they see within their neighborhoods.” Many of the Residents contacted Minneapolis to report issues with their rental homes. Despite their complaints, city inspectors—among other lapses in service—inadequately tested for lead, failed to timely fix known violations, and said nothing could be done about water leaks and mold. In addition, Minneapolis never resolved complaints from homeowner-Residents, which led to decreasing property values.

Minneapolis is divided into wards. North Minneapolis includes Wards 4 and 5. The two wards “have only 16% of [Minneapolis’] residents but account for 45% of complaints[.]” City data “suggests that the rental code violations in Wards 4 and 5 are resolved at a rate on par with other wards,” but the Residents’ allege that their “complaints go unanswered and are inaccurately marked as resolved despite no remedial action taken

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<sup>1</sup> *Bodah v. Lakeville Motor Express, Inc.*, 663 N.W.2d 550, 553 (Minn. 2003) (articulating standard of review for an order dismissing a complaint under Minn. R. Civ. P. 12.02).

by landlords or adverse action taken by [Minneapolis] against the landlord.” The Residents assert that Minneapolis improperly allocated its inspectors to handle the complaints in North Minneapolis. The Residents alleged: (1) violations of the MHRA, (2) a breach of duty under the Minneapolis Code of Ordinances, and (3) a “breach of duty” of the Equal Protection Clause of the Minnesota Constitution. In their prayer for relief, the Residents requested that the district court provide: “injunctive relief requiring the City of Minneapolis to abide by its duty to enforce the Minneapolis Housing Code;” a declaratory judgment determining that Minneapolis violated the MHRA; an award of costs, disbursements, and attorney fees; and a jury trial.

Minneapolis moved to dismiss the complaint for failure to state a claim upon which relief can be granted. The Residents opposed the motion to dismiss. The district court granted Minneapolis’ motion, determining that although the Residents had standing, official immunity bared their claims under the MHRA and the Minneapolis Code. The district court also dismissed the equal protection claim, determining that the Residents failed to allege facts sufficient to state a claim.<sup>2</sup>

The Residents appeal.

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<sup>2</sup> The district court also dismissed the Resident’s private attorney general claim, Minn. Stat. § 8.31, subd. 1 (2024), which the Residents do not appeal.

## DECISION

### **I. The district court properly dismissed the Residents' MHRA claim.**

The Residents challenge the district court's dismissal of their MHRA claim as barred by official immunity, arguing that official immunity does not apply to claims for equitable relief. The Residents also contend that the legislature has implicitly abrogated official immunity for disparate impact claims under the MHRA. We address each argument in turn but begin with a brief background on Minnesota immunity law.

In Minnesota, immunity comes from either the legislature (statutory immunity) or the common law (official immunity). *Janklow v. Minn. Bd. of Exam'rs for Nursing Home Adm'rs*, 552 N.W.2d 711, 715 (Minn. 1996). Although both immunities “are couched in terms of whether discretion or judgment was exercised by the relevant actor in performance of the relevant conduct, the import and rationale of each form of immunity are entirely different[.]” *Kariniemi v. City of Rockford*, 882 N.W.2d 593, 599 (Minn. 2016) (quotations omitted). The Minnesota Supreme Court has “stressed the importance of distinguishing between” statutory immunity and official immunity. *Id.* (quotation omitted).

“Statutory immunity was created when Minnesota waived its sovereign immunity to tort suits,” but the legislature retained certain immunities by enacting statutes. *Janklow*, 552 N.W.2d at 715. In Minnesota, “every municipality is subject to liability for its torts and those of its officers, employees and agents acting within the scope of their employment or duties whether arising out of a governmental or proprietary function.” Minn. Stat. § 466.02 (2024). This potential liability does not, however, apply to “[a]ny claim based upon the performance or the failure to exercise or perform a discretionary function or duty,

whether or not the discretion is abused.” Minn. Stat. § 466.03, subd. 6 (2024). Such claims are barred under statutory immunity. *Id.* Statutory immunity does not, however, bar a claim arising under the MHRA. *Davis v. Hennepin County*, 559 N.W.2d 117, 122 (Minn. App. 1997) (concluding “statutory immunity may not be asserted to bar a claim arising under the [MHRA]”), *rev. denied* (Minn. May 20, 1997).

Official immunity protects individual government actors so they may “perform their duties effectively, without fear of personal liability that might inhibit the exercise of their independent judgment.” *Kariniemi*, 882 N.W.2d at 599-600 (quotation omitted). Generally, official immunity is determined by: “(1) the conduct at issue; (2) whether the conduct is discretionary or ministerial and, if ministerial, whether any ministerial duties were violated; and (3) if discretionary, whether the conduct was willful or malicious.” *Vassallo ex rel. Brown v. Majeski*, 842 N.W.2d 456, 462 (Minn. 2014).

“Whether government entities and public officials are protected by statutory immunity and official immunity is a legal question which this court reviews *de novo*.” *Johnson v. State*, 553 N.W.2d 40, 45 (Minn. 1996).

**A. Official immunity applies to claims for equitable relief.**

The Residents assert that official immunity does not apply to their claims seeking equitable relief, citing *Simmons v. Fabian* for the proposition that “immunity from damages does not ordinarily bar equitable relief[.]” 743 N.W.2d 281, 285 (Minn. App. 2007) (quotation omitted). But *Simmons* analyzed a claim under 42 U.S.C. § 1983 (2000). *Id.* Because “federal, not state, immunity doctrine” governed the analysis, *Simmons* has no

bearing on this case. *See id.* In addition, federal law—before 1996<sup>3</sup>—did not provide for immunity for injunctive relief claims under section 1983. *Id.* at 285, 288. By comparison, Minnesota’s common-law immunity doctrine does not have a history of exempting official immunity for injunctive relief. *See, e.g., Roerig v. Houghton*, 175 N.W. 542, 544 (Minn. 1919) (discussing official immunity with no exception for equitable relief); *Thiede v. Town of Scandia Valley*, 14 N.W.2d 400, 408 (Minn. 1944) (same).

The Residents also cite nonprecedential cases that inferentially support their position. First, they cite *DiMa Corp. v. City of Albert Lea*, where we reversed and remanded for entry of a temporary injunction even though it appeared “that the city would be immune from liability for damages.” No. A12-1284, 2013 WL 1500873, at \*6 (Minn. App. Apr. 15, 2013). Second, they cite *Haefele v. City of Eden Prairie*, where we agreed “with the district court’s conclusion that [a] city council’s determination was discretionary, and that vicarious official immunity protected the city from appellants damages claim[.]” but we affirmed the order enjoining the city from interfering with the appellant’s nonconforming use of a duplex as a group home. No. C0-00-830, 2000 WL 1869574, at \*3 (Minn. App. Dec. 26, 2000). Neither case, however, addresses whether official immunity applies to claims for injunctive relief. Thus, we do not find them persuasive.<sup>4</sup>

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<sup>3</sup> In 1996, the Federal Courts Improvement Act “restricted the availability of injunctive relief against a judicial officer for an act or omission taken in such officer’s judicial capacity.” *Simmons*, 743 N.W.2d at 285 (quotation omitted).

<sup>4</sup> Minneapolis cites two nonprecedential cases in which we analyzed requests for equitable relief based on whether certain conduct was discretionary or ministerial. *See Ellis v. City of Minneapolis*, No. A20-0443, 2021 WL 668084, at \*2, \*5 (Minn. App. Feb. 22, 2021); *City of Minneapolis v. Minneapolis Police Relief Ass’n*, No. A07-0420, 2008 WL 1747923,

Additionally, the Residents cite cases from federal and foreign jurisdictions. We also find those cases unpersuasive because they analyze federal qualified immunity law, section 1983 claims, or a state's common law that recognized an exception for equitable claims. *Pearson v. Callahan*, 555 U.S. 223, 227, 242-43 (2009) (section 1983); *State Bd. of Chiropractic Exam'rs v. Stjernholm*, 935 P.2d 959, 962 (Colo. 1997) (en banc) (same); *Reyna v. City of Weslaco*, 944 S.W.2d 657, 661 (Tex. App. 1997) (same); *Lathrop v. Deal*, 801 S.E.2d 867, 892 (Ga. 2017) (interpreting state constitution); *El Rancho Enters., Inc. v. Murray City Corp.*, 565 P.2d 778, 779 (Utah 1977) (interpreting state common law).

The Residents also argue that official immunity should not extend to injunctive relief “because it is not supported by the rationale for the doctrine nor sound public policy.” Minneapolis disagrees, contending that “a decision to deny immunity for otherwise discretionary decisions is an improper invasion of the authority of the government’s decision makers and employees.” The district court determined:

The purpose of the immunity doctrines is to shield officials from lawsuits for making discretionary decisions about their jobs. Equitable relief is a distinction without a significant difference in that it still puts the decision-making process under the microscope. Although an injunction would be reasonable to enforce a ministerial function which is not subject to official immunity, an injunction would be impractical to enforce a discretionary function, which by definition is not fixed or clearly defined.

We agree with Minneapolis and the district court.

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at \*1, \*3 (Minn. App. Apr. 15, 2008), *rev. denied* (Minn. June 25, 2008). We do not find these cases helpful because the opinions did not consider the broader question of whether official immunity applied to equitable relief.

The Minnesota Supreme Court has recognized that the purpose of official immunity is to ensure “that the threat of potential personal liability does not unduly inhibit the exercise of discretion required of public officials in the discharge of their duties.” *Holmquist v. State*, 425 N.W.2d 230, 233 n.1 (Minn. 1988).<sup>5</sup> This statement is particularly apt because the Residents seek a court order compelling Minneapolis to allocate its inspection resources differently. For a district court to compel a public official to allocate resources in a particular way would inhibit the exercise of discretion even more than an award of monetary damages because the injunctive relief would remove all discretion and dictate exactly how the municipality needs to perform an otherwise discretionary task. Thus, we conclude that official immunity can bar a claim seeking equitable relief.

**B. Official immunity applies to MHRA claims.**

The Residents argue the district court erred in dismissing their MHRA claim because the Minnesota Legislature abrogated official immunity for disparate impact claims under the MHRA. The Minnesota Supreme Court, however, has held that official immunity can bar a claim brought under the MHRA. *See State by Beaulieu v. City of Mounds View*, 518 N.W.2d 567, 569-71 (Minn. 1994).

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<sup>5</sup> *See also Wiederholt v. City of Minneapolis*, 581 N.W.2d 312, 315 (Minn. 1998) (“The [official immunity] doctrine is designed to protect officials from the fear of personal liability that might deter independent action.” (quotation omitted)); *Janklow*, 552 N.W.2d at 716 (stating that “official immunity protects more individual, professional judgment”); *Elwood v. County of Rice*, 423 N.W.2d 671, 678 (Minn. 1988) (“Official immunity . . . protects public officials from the fear of personal liability that might deter independent action and impair effective performance of their duties.”).



The Residents assert that *Beaulieu* does not apply because it “did not address official immunity against disparate impact claims.” But the supreme court’s ruling in *Beaulieu* did not distinguish between an MHRA claim alleging a disparate treatment theory and an MHRA claim alleging a disparate impact theory. *See id.* at 571. Instead, the court concluded that the legislature’s enactment of the MHRA “does not abrogate the doctrine of official immunity either by express wording or by necessary implication[.]” *Id.* The court held that official immunity “may be asserted in a claim brought under the [MHRA’s] public service provision.” *Id.*

As an error correcting court, we must follow Minnesota Supreme Court precedent. *See State v. Curtis*, 921 N.W.2d 342, 346 (Minn. 2018). To the extent the Residents argue that *Beaulieu* should be limited, any narrowing of the supreme court’s holding must be done by the supreme court. *See Tereault v. Palmer*, 413 N.W.2d 283, 286 (Minn. App. 1987) (“[T]he task of extending existing law falls to the supreme court or the legislature, but it does not fall to this court.”), *rev. denied* (Minn. Dec. 18, 1987); *see also Larson v. Wasemiller*, 738 N.W.2d 300, 303 (Minn. 2007) (“[The Minnesota Supreme Court] has the power to recognize and abolish common law doctrines, as well as to define common law torts and their defenses.”) (citations omitted).<sup>6</sup> Given the supreme court’s broad holding in *Beaulieu*, we conclude that the district court did not err in determining that the MHRA did not, expressly or by necessary implication, abrogate official immunity.

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<sup>6</sup> The Residents argue that *Beaulieu* was wrongly decided, but we are “not in a position to overturn established supreme court precedent.” *State v. Grigsby*, 806 N.W.2d 101, 114 (Minn. App. 2011) (quotation omitted), *aff’d*, 818 N.W.2d 511 (Minn. 2012).

**II. The district court properly dismissed the Residents’ claim that the city breached its duty under the Minneapolis Code.**

The district court dismissed the Residents’ claim that the city breached its duty under the Minneapolis Code because it was barred by official immunity. The Residents argue that official immunity does not apply to claims for equitable relief. For the reasons stated above, we conclude that official immunity applies to claims for equitable relief and, therefore, affirm the district court’s dismissal of this claim.

**III. The district court properly dismissed the Residents’ equal protection claim for failure to state a claim upon which relief can be granted.**

The Residents argue that the district court erred in dismissing their equal protection claim, contending that they sufficiently pleaded both a disparate treatment and a disparate impact claim. A complaint survives “a motion to dismiss for failure to state a claim if it is possible on any evidence which might be produced, consistent with the pleader’s theory, to grant the relief demanded.” *Walsh v. U.S. Bank, N.A.*, 851 N.W.2d 598, 603 (Minn. 2014). In our de novo review of whether a complaint sets forth a legally sufficient claim for relief, “[w]e accept the facts alleged in the complaint as true and construe all reasonable inferences in favor of the nonmoving party.” *Id.* at 606 (citation omitted).

The Minnesota Constitution provides that: “No member of this state shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or the judgment of his peers.” Minn. Const. art. 1, § 2. The supreme court has recognized two types of equal protection claims: disparate treatment and disparate impact. *Odunlade v. City of Minneapolis*, 823 N.W.2d 638, 647 (Minn. 2012).

### **A. Disparate Treatment**

The Residents argue that they have sufficiently pleaded a disparate treatment claim because “they are similarly situated to other renters in Minneapolis but are treated differently because many more of their housing complaints go unanswered or unresolved.” The threshold question for a disparate treatment claim “is whether the claimant is treated differently from others who are similarly situated, because the equal protection clause does not require the state to treat differently situated people the same.” *Id.* at 647.

The Residents contend that their disparate treatment allegations originate from their assumption that inspectors are assigned based on population. In their complaint, the Residents claimed that Minneapolis’ “policy of assigning Code enforcers to City wards based on population rather than the number of Code complaints means that the wards with fewer BIPOC [Black, Indigenous, People of Color] renters are given a disproportionate share of Code enforcement resources[.]” The Minnesota Supreme Court addressed a similar disparate treatment theory in *Odunlade*.

There, the plaintiffs argued that “they were treated differently [by the city] in so far as their residential property was assessed at ratios higher than residential properties located in other communities.” *Id.* (quotation omitted). The supreme court concluded that because all property owners were treated the same, the plaintiffs did not present a valid claim that they were “treated differently than other similarly situated persons[.]” *Id.* at 648. The supreme court affirmed the dismissal of their equal protection claim because the plaintiffs did “not make a disparate treatment claim.” *Id.*

Like in *Odunlade*, the Residents’ contention that the city assigns inspectors based on population does not lead to a viable claim that the Residents are similarly situated yet treated differently. Under the supreme court’s precedent, the district court did not err in determining that the Residents failed to plead a claim for disparate treatment under the Equal Protection Clause of the Minnesota Constitution.

## **B. Disparate Impact**

To allege a disparate impact claim under the Equal Protection Clause plaintiffs must allege that they are members of a suspect class and that (1) “a state action impacts [their] suspect class more than others” and (2) “the state actor intended to discriminate against the suspect class.” *Id.* The district court dismissed the disparate impact claim because the Residents’ complaint failed to allege “that the City intended a discriminatory result through its inspector assignments.”

Although the complaint generally discusses the BIPOC representation in North Minneapolis, the complaint does not allege that any of the named individual plaintiffs are members of a suspect class.<sup>7</sup> The Residents frame their complaint only to allege that they

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<sup>7</sup> The Residents’ attorney asserted in the reply brief and at oral argument that the district court “took judicial notice in the motion hearing that at least one [Resident] is in fact BIPOC.” The transcript does not support this contention. Instead, the district court asked the City’s attorney a question about one of the named Resident being African American. The City’s attorney responded that the Residents’ complaint had failed to plead that fact and noted that the Residents had not requested to amend the complaint. The district court then agreed that the Residents had not asked to amend the complaint. In addition, the Minnesota Rules of Evidence require a party be provided an “opportunity to be heard as to the propriety of taking judicial notice and the tenor of the matter noticed.” Minn. R. Evid. 201(e). Without an indication that judicial notice was being taken, this procedural safeguard could not have been satisfied. Thus, we reject the representation that the district court took judicial notice that one named plaintiff was a member of a protected class.

all live in a neighborhood with a higher percentage of BIPOC individuals. But living in a certain neighborhood does not constitute a suspect class.<sup>8</sup> Because the Residents' complaint did not allege that any named plaintiff is a member of a suspect class, we affirm the district court's order dismissing the complaint for failing to state a claim for which relief can be granted.

### **C. Dismissal without prejudice**

The district court's order and judgment did not specify whether the dismissal was with prejudice or without prejudice. Based on our de novo review, we affirm the dismissal of the complaint but clarify that the dismissal—due to inadequate pleading—of the Residents' equal protection claim alleging disparate impact is without prejudice. Because “the law favors cases being decided on their true merits,” plaintiffs should have an opportunity to file a new complaint that follows the specific pleading requirements to raise a proper disparate impact claim. *See Wessin v. Archives Corp.*, 592 N.W.2d 460, 467 (Minn. 1999) (noting dismissal without prejudice on a rule 12 motion “may be preferable to a dismissal with prejudice where the dismissal is based on failure to follow pleading requirements”).

### **Affirmed as modified.**

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<sup>8</sup> Under the MHRA, a claimant may bring a race association claim because anti-discrimination statutes prohibit, “among other things, discrimination against a white person because of his association with black people.” *City of Minneapolis v. State by Wilson*, 310 N.W.2d 485, 486-87 (Minn. 1981). The Residents do not argue that a similar race-association theory exists under the equal protection doctrine.