

*This opinion is nonprecedential except as provided by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
A24-1907**

Lydia Louise Monahan,
Appellant,

vs.

MN Department of Human Services, et al.,
Respondents.

**Filed July 7, 2025
Affirmed in part, reversed in part, and remanded
Larson, Judge**

Ramsey County District Court
File No. 62-CV-24-3557

Lydia Louise Monahan, Ardmore, Oklahoma (self-represented appellant)

Keith Ellison, Attorney General, Ian Taylor, Jr., Assistant Attorney General, St. Paul,
Minnesota (for respondent)

Considered and decided by Larkin, Presiding Judge; Larson, Judge; and Bentley,
Judge.

NONPRECEDENTIAL OPINION

LARSON, Judge

Self-represented appellant Lydia Louise Monahan challenges the district court's
dismissal of her complaint against respondent Minnesota Department of Human Services

(DHS).¹ She raises three arguments on appeal: (1) the district court erred when it denied her motion for default judgment; (2) the district court judge violated the Minnesota Code of Judicial Conduct when they did not recuse themselves based on the appearance of impartiality; and (3) the district court erred when it dismissed her complaint for failure to state a claim under Rule 12.02(e) of the Minnesota Rules of Civil Procedure. Because we do not discern that the district court abused its discretion when it denied the motion for default judgment or the district court judge violated the Minnesota Code of Judicial Conduct, we affirm in part. But because Monahan’s complaint sets forth a claim upon which relief may be granted, we reverse the district court’s decision to grant DHS’s motion to dismiss and remand for further proceedings.

FACTS

On June 5, 2024, Monahan filed a complaint wherein she alleged that DHS violated several statutes, including: (1) Minn. Stat. §§ 179.60, 609.322, .43, .505 (2024); (2) various sections of the Minnesota Labor Relations Act (MLRA), Minn. Stat. §§ 179.01-.17 (2024); and (3) the Minnesota whistleblower act (MWA), Minn. Stat. § 181.932 (2024).² In

¹ Monahan also named in the complaint DHS’s former commissioner, Jodi Harpstead, in her official capacity. Because Harpstead is no longer serving as commissioner, DHS’s current temporary commissioner, Shireen Ghandi, is automatically substituted. *See* Minn. Civ. App. P. 143.04. DHS makes various arguments that we should dismiss the claims against Harpstead “as an individual.” But “[o]fficial-capacity suits generally represent another way of pleading an action against an entity of which an officer is an agent. . . . [O]fficial capacity suits are, in all respects other than the name, to be treated as a suit against the entity.” *Khalifa v. State*, 397 N.W.2d 383, 389-90 (Minn. App. 1986). Accordingly, we construe the complaint as alleging claims against DHS.

² It is unclear from the complaint when the conduct underlying the pleadings occurred. Accordingly, we assume without deciding that the current versions of these statutes apply.

reviewing a district court’s decision to grant a motion to dismiss, “we accept the factual allegations in the complaint as true.” *Abel v. Abbott Nw. Hosp.*, 947 N.W.2d 58, 64 n.2 (Minn. 2020). In her complaint, Monahan alleged the following. Monahan is a former DHS employee who worked in the Child Support Division under Child Support Division Director Shaneen Moore (the director). The director “harass[ed], intimidate[d], [and] retaliate[d]” against Monahan and “disparage[d]” Monahan’s “employment performance record” while Monahan “represent[ed] a union member in filing a grievance against the [d]irector for” violations of the Americans with Disabilities Act. Other union members experienced similar retaliation after aiding employees in filing grievances. The director would instruct supervisors to retaliate “by falsely finding fault in their performance.” These union members did not have any negative performance reviews until they assisted other employees in grievance processes. Monahan ultimately ended her employment with DHS because of the “harassment, intimidation, and retaliation.”

On June 14, 2024, a Ramsey County Deputy Sheriff served the following documents on DHS via personal service on an employee at the DHS office: a waiver of service of summons form, a notice of lawsuit and request for waiver of service of summons (rule 4.05 waiver request), a summons, a civil cover sheet, and a complaint. On July 1, 2024, Monahan received an email from DHS’s counsel. In the email, counsel indicated that his client had signed the waiver and asked whether DHS could serve the signed waiver on Monahan via email. Counsel also asked if Monahan was “open to service by email

generally.” Monahan responded that she “would prefer all documents be e-served.” On July 2, 2024, DHS deposited a signed waiver and a declaration of service in the U.S. Mail.³

On July 6, 2024, Monahan filed a motion for default judgment, contending that DHS had not served its answer within 21 days. *See* Minn. R. Civ. P. 12.01 (providing that “[d]efendant shall serve an answer within 21 days after service of summons upon that defendant”). DHS opposed the motion, arguing in part that, because it returned a signed waiver, it was not required to serve an answer until 60 days after the date the waiver request was sent. *See* Minn. R. Civ. P. 4.05(c) (providing that defendant who “timely returns a signed waiver need not serve an answer . . . until 60 days after the request was sent”).

On August 9, 2024, the district court held a hearing on Monahan’s motion for default judgment. There, Monahan asserted that she sent the rule 4.05 waiver request improperly and that she was unsure whether she was supposed to send the rule 4.05 waiver request. She argued that, even if there was a 60-day timeline because of the rule 4.05 waiver request, DHS had still failed to file an answer by that deadline. Monahan also contended that Rule 14 of the Minnesota General Rules of Practice required DHS to use e-Service.

DHS argued that rule 14 did not require e-Service. DHS noted that Monahan indicated her preference to use e-Service, not email. DHS further explained that Monahan was not listed as an e-Service contact, meaning that DHS could not serve Monahan via e-Service. Accordingly, because Monahan did not agree to service via email and was not

³ The signed waiver was dated June 5, 2024. But DHS did not receive the complaint and rule 4.05 waiver request until June 14, 2024. It is unclear why the signed waiver indicates that it was signed on June 5, 2024.

listed as an e-Service contact, DHS served the signed waiver via U.S. Mail on July 2, 2024. This, DHS argued, was “well within” 30 days of June 14, 2024—the day the rule 4.05 waiver request was served. *See* Minn. R. Civ. P. 4.05(a)(5) (providing that defendant has 30 days after waiver request is sent to return waiver if defendant is within the United States).

The judge requested permission from Monahan to verify whether Monahan was listed as an e-Service contact and therefore capable of receiving documents via e-Service; Monahan gave her consent. The judge’s staff then pulled up a screenshot of the Minnesota Court Information System (MNCIS) showing that Monahan was not “signed up for service” when the relevant documents were served. Although Monahan was registered to use the e-Service system, she had not “ticked the box to receive and accept service.”

On August 12, 2024, the district court issued an order denying Monahan’s motion for default judgment. The district court concluded that DHS timely returned the signed waiver to Monahan and, therefore, had 60 days to file an answer. The district court noted Monahan’s contention that she sent the rule 4.05 waiver request erroneously. But the district court reasoned that, even if DHS missed the 21-day deadline to file an answer, there is a preference for deciding cases on the merits and Monahan had not experienced “substantial prejudice” from the delay. The district court also reasoned that “[e]ven if

[DHS] believed in error that [Monahan] had agreed to extend[] the time to answer her Complaint, . . . such a belief was reasonable.”⁴

The same day, DHS filed a motion to dismiss Monahan’s complaint for failure to state a claim upon which relief can be granted. *See* Minn. R. Civ. P. 12.02(e). In response, Monahan filed another motion for default judgment and requested that the district court deny DHS’s motion to dismiss. As part of the motion practice surrounding the motion to dismiss, Monahan referenced various exhibits.⁵

Following a hearing, the district court filed an order granting DHS’s motion and dismissing Monahan’s complaint with prejudice. The district court reasoned that the: (1) “claims related to criminal activity . . . should be dismissed” because “[n]one of the[] [cited] statutes create a direct, civil cause of action”; (2) MLRA claim “should be dismissed because Minn. Stat. §§ 179.06 and 179.60 . . . do not create a private cause of action for damages”; and (3) MWA claim must be dismissed because Monahan “failed to plead any facts demonstrating the causation or link between her conduct and termination.”

Monahan appeals from the resulting judgment, challenging both the order denying her motion for default judgment and the order granting DHS’s motion to dismiss.

⁴ Monahan initially filed an appeal from the district court’s denial of her motion for default judgment. We dismissed Monahan’s appeal as premature and indicated that she could seek review of the August 12, 2024 order in an appeal from a final judgment.

⁵ Monahan references these exhibits in her brief. But the record reflects that the district court did not consider these exhibits when it decided the motion to dismiss and, therefore, they are not part of our record on appeal.

DECISION

In response to the district court’s decision to dismiss her claims, Monahan makes three arguments. First, Monahan contends the district court erred when it denied her motion for default judgment. Second, Monahan asserts the district court judge violated the Minnesota Code of Judicial Conduct when they did not recuse from the matter because of the appearance of impartiality. Last, Monahan argues the district court erred when it dismissed her complaint. We address each argument in turn.

I.

Monahan first argues the district court abused its discretion when it denied her motion for default judgment. “When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend within the time allowed therefor by these rules or by statute, and that fact is made to appear by affidavit, judgment by default shall be entered against that party” Minn. R. Civ. P. 55.01. A party seeking default judgment “generally need do no more than aver that the defendant has failed to timely answer the complaint.” *Laymon v. Minn. Premier Props., LLC*, 903 N.W.2d 6, 17-18 (Minn. App. 2017), *aff’d*, 913 N.W.2d 449 (Minn. 2018). We review a decision to deny a motion for default judgment for an abuse of discretion. *Black v. Rimmer*, 700 N.W.2d 521, 525 (Minn. App. 2005), *rev. dismissed* (Minn. Sept. 28, 2005). “A district court abuses its discretion when its decision is based on an erroneous view of the law or is inconsistent with the facts in the record.” *In re Otto Bremer Tr.*, 2 N.W.2d 308, 319 (Minn. 2024) (quotation omitted).

Monahan argues the district court abused its discretion when it determined that DHS had timely returned a signed waiver and, therefore, had 60 days to file an answer. “A plaintiff may request that the defendant waive service of a summons.” Minn. R. Civ. P. 4.05(a). “A defendant who, before being served with process, timely returns a signed waiver need not serve an answer to the complaint until 60 days after the request was sent to that defendant” *Id.* (c). A defendant has 30 days from the time the waiver request was sent to return it. *See id.* (a)(5). Among other requirements, a waiver request must state the date it was sent and be accompanied by two copies of the waiver document and a prepaid means for returning one of those copies. *See id.* (a).

Here, Monahan avers that because *she* failed to comply with the rule 4.05 procedural requirements when *she* sent the rule 4.05 waiver request, DHS could not return the signed waiver and extend its time to serve an answer to 60 days. We disagree. While rule 4.05 “requires strict compliance,” *see Hughes v. Lund*, 603 N.W.2d 674, 677 (Minn. App. 1999), strict compliance is enforced against the party attempting to avoid waiving service of process. Here, despite the deficiencies in the rule 4.05 waiver request, DHS signed the waiver and returned it within the requisite time period. *See* Minn. R. Civ. P. 4.05(a), (c). Thus, because Monahan received the signed waiver from DHS despite her failure to strictly comply with rule 4.05, she cannot attack DHS’s reliance on the signed waiver to defend the motion for default judgment.⁶

⁶ Monahan alternatively asserts that DHS did not validly return a signed waiver because, under rule 14, it could only return the signed waiver via e-Service—not U.S. Mail. We disagree. Rule 14 does not require e-Service when the party to be served has not “designated an email address for receiving electronic service in the E-Filing system.”

But even if the signed waiver was defective and, assuming without deciding that DHS was properly served in this case, the district court still did not abuse its discretion when it denied the motion for default judgment. A district court may deny a motion for default judgment when four requirements are met: (1) the defendant had “a reasonable defense on the merits”; (2) the defendant had “a reasonable excuse for” failing to answer; (3) the “defendant acted with due diligence after” becoming aware of the failure; and (4) denial of the motion would not cause “substantial prejudice” to the opposing party. *Coller v. Guardian Angels Roman Cath. Church of Chaska*, 294 N.W.2d 712, 715 (Minn. 1980); *see also Finden v. Klaas*, 128 N.W.2d 748, 750 (Minn. 1964) (providing that court should relieve defendant of judgment under Rule 60.02 of the Minnesota Rules of Civil Procedure when these four requirements are met).

Here, the record demonstrates that DHS met its burden to satisfy all four factors. First, as discussed in detail below, DHS had reasonable defenses on the merits of Monahan’s claims. Second, because DHS sent the signed waiver, the district court fairly determined that DHS had a reasonable excuse for failing to answer within 21 days. Third, the record demonstrates that DHS acted promptly in responding to Monahan’s motion for

Minn. R. Gen. Prac. 14.03(d)(2). In such a situation, rule 14 provides that “another method of service authorized under applicable rules or law must be used.” *Id.* Here, Monahan was not properly registered to receive and accept service through the e-Service system. Thus, DHS used another acceptable method of service—U.S. Mail—to serve the signed waiver on Monahan. *See* Minn. R. Civ. P. 5.02(a), (c) (providing that, where rule 14 does not require service by electronic means, “service upon the attorney or a party shall be made by . . . mailing a copy to the attorney or party at the attorney’s or party’s last known address”).

default judgment and filing its own motion to dismiss.⁷ Fourth, the record supports the district court's determination that any prejudice to Monahan was not substantial.

For these reasons, we conclude the district court did not abuse its discretion when it denied Monahan's motion for default judgment.

II.

Monahan argues the district court judge violated the Minnesota Code of Judicial Conduct when they did not recuse from the case. "Whether a judge is disqualified from presiding over a case is a question of law, which we review de novo." *In re Jacobs*, 802 N.W.2d 748, 750 (Minn. 2011). We presume that a judge properly discharged their duties. *Hannon v. State*, 752 N.W.2d 518, 522 (Minn. 2008). Under the Minnesota Code of Judicial Conduct, "[a] judge shall disqualify [themselves] in any proceeding in which the judge's impartiality might reasonably be questioned." Minn. Code Jud. Conduct Rule 2.11(A). "Whether a judge's impartiality may reasonably be questioned is determined by an objective examination into the circumstances surrounding the removal request." *Jacobs*, 802 N.W.2d at 752 (quotation omitted). This inquiry considers "whether an objective examination of the facts and circumstances would cause a reasonable

⁷ Monahan argues DHS has not acted promptly because it "still has not provided an answer to the claims." But Monahan misunderstands the rule. Where a defendant serves a motion to dismiss under rule 12.01, as DHS did here, the time to file an answer is extended.

examiner to question the judge’s impartiality.” *State v. Burrell*, 743 N.W.2d 596, 601 (Minn. 2008).

Here, Monahan argues the judge exhibited bias against her in several ways, including

claiming the merits of the case needed to be reviewed, accepting the missed timeline, arguing and even presenting evidence on behalf of [DHS] . . . [,] claiming [Monahan] had not consented to receiving documents served through email, or was somehow not able to receive service through [e-Service] . . . , [and] not requiring [DHS’s counsel] to adhere to MN Rules 12, 14, 55, etc.

She also contends the judge exhibited bias because they ignored evidence and were formerly employed at the Minnesota Attorney General’s Office.

To the extent Monahan’s argument is based on the judge’s determinations in this case, “[p]rior adverse rulings . . . , without more, do not constitute judicial bias.” *State v. Mems*, 708 N.W.2d 526, 533 (Minn. 2006). And the remaining arguments are similarly unavailing. First, Monahan’s challenge to the district court “presenting evidence” references the judge reviewing MNCIS to assess whether Monahan could receive documents via e-Service—an act the judge did after receiving consent from Monahan. Second, Monahan does not provide any evidence to support her bare assertion that the judge is biased toward DHS because the judge used to work at the Minnesota Attorney General’s Office. *See Schoepke v. Alexander Smith & Sons Carpet Co.*, 187 N.W.2d 133, 135 (Minn. 1971) (“An assignment of error based on mere assertion and not supported by any argument or authorities in appellant’s brief is waived . . .”). Finally, the record reflects that the judge did not ignore evidence. A district court must look at the complaint, not

extraneous evidence, when deciding a motion to dismiss. *In re Hennepin Cnty. 1986 Recycling Bond Litig.*, 540 N.W.2d 494, 497 (Minn. 1995). Thus, the district court appropriately did not rely on Monahan’s exhibits.

For these reasons, we conclude the district court judge did not violate the Minnesota Code of Judicial Conduct when they did not recuse from the case because the record does not demonstrate any appearance of impartiality.

III.

Finally, Monahan argues the district court erred when it dismissed her complaint for failure to state a claim under rule 12.02(e). When reviewing a district court’s decision to dismiss a complaint for failure to state a claim, “we review the legal sufficiency of the claim de novo to determine whether the complaint sets forth a legally sufficient claim for relief.” *Graphic Commc’ns Loc. 1B Health & Welfare Fund “A” v. CVS Caremark Corp.*, 850 N.W.2d 682, 692 (Minn. 2014). In doing so, “[w]e accept the facts alleged in the complaint as true and construe all reasonable inferences in favor of the nonmoving party.” *Walsh v. U.S. Bank, N.A.*, 851 N.W.2d 598, 606 (Minn. 2014).

“A pleading which sets forth a claim for relief . . . shall contain a short and plain statement of the claim showing that the pleader is entitled to relief and a demand for judgment for the relief sought” Minn. R. Civ. P. 8.01. “Minnesota is a notice-pleading state and does not require absolute specificity in pleading, but rather requires only information sufficient to fairly notify the opposing party of the claim against it.” *DeRosa v. McKenzie*, 936 N.W.2d 342, 346 (Minn. 2019) (quotation omitted). A plaintiff may plead their case using “broad general statements that may be conclusory.” *Id.* (quotation

omitted). The district court may, upon motion, dismiss a complaint that “fail[s] to state a claim upon which relief can be granted.” Minn. R. Civ. P. 12.02(e). But a claim survives “a motion to dismiss . . . if it is possible on any evidence which might be produced, consistent with the pleader’s theory, to grant the relief demanded.” *Walsh*, 851 N.W.2d at 603.

In her complaint, Monahan alleged claims under: (1) criminal statutes, including Minn. Stat. §§ 179.60, 609.322, .43, .505; (2) the MLRA; and (3) the MWA. We address the district court’s dismissal of Monahan’s claims in these respective categories.

A. Criminal Statutes

Monahan challenges the district court’s decision to dismiss her claims under criminal statutes on the basis that “[n]one of the[] [cited] statutes create a direct, civil cause of action.” “[A] criminal statute does not automatically give rise to a civil cause of action unless the statute expressly or by clear implication so provides.” *Larson v. Dunn*, 460 N.W.2d 39, 47 n.4 (Minn. 1990). “[T]he general rule [is] that criminal statutes do not give rise to a civil cause of action absent from manifestation of legislative intent to do so.” *Summers v. R & D Agency, Inc.*, 593 N.W.2d 241, 245 (Minn. App. 1999). Here, none of the statutes Monahan relies on expressly or by clear implication give rise to a civil cause of action. We, therefore, agree with the district court that Monahan failed to state a claim upon which relief can be granted under Minn. Stat. §§ 179.60, 609.322, .43, .505.⁸

⁸ We note that the district court did not explicitly address Monahan’s claim under Minn. Stat. § 609.322, but it was properly dismissed.

B. The MLRA

Monahan argues that the district court erroneously dismissed her MLRA claim.⁹ Under Minn. Stat. §§ 179.06, .12, an “[e]mployer” “does not include the state, or any political or governmental subdivision.” Minn. Stat. § 179.01, subd. 3. But Monahan’s MLRA allegations in her complaint were specifically targeted at the state. Monahan alleged that “the [state] allowed [its employees] to allegedly access information reported to an anonymous tip-line . . . in an attempt to permanently blacklist her from employment” and requested that the state be “[p]ermanent[ly] barr[ed] . . . from ever having access to anonymous tip-lines.” Because the state is not an “employer” under the MLRA statutes Monahan relied on, the district court properly dismissed her claims.¹⁰

C. The MWA

Monahan challenges the district court’s decision to dismiss her claims under the MWA.¹¹ The MWA “makes it illegal for an employer to punish an employee for reporting

⁹ Monahan also raises an argument under the National Labor Relations Act (NLRA), 29 U.S.C. §§ 151-169 (2018). But the district court did not decide a claim under the NLRA. Accordingly, Monahan’s argument is not properly before us. *See Hoyt Inv. Co. v. Bloomington Commerce & Trade Ctr. Assocs.*, 418 N.W.2d 173, 175 (Minn. 1988) (“[A]n undecided question is not usually amenable to appellate review.”); *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (stating that appellate courts generally address only those questions previously presented to and considered by the district court).

¹⁰ We note that the district court did not explicitly address Monahan’s claim under Minn. Stat. § 179.12, but it was properly dismissed.

¹¹ Monahan also asserts that she is entitled to “punitive relief” under Minn. Stat. §§ 3.736, subd. 2, 549.20 (2024). But because the district court did not decide the issue, Monahan’s argument is not properly before us. *See Hoyt*, 418 N.W.2d at 175; *Thiele*, 425 N.W.2d at 582.

violations of law in good faith.” *Hanson v. Dep’t of Nat. Res.*, 972 N.W.2d 362, 372 (Minn. 2022). In relevant part, the MWA provides:

An employer shall not discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against an employee regarding the employee’s compensation, terms, conditions, location, or privileges of employment because:

(1) the employee, or a person acting on behalf of an employee, in good faith, reports a violation, suspected violation, or planned violation of any federal or state law or common law or rule adopted pursuant to law to an employer or to any government body or law enforcement official[.]

Minn. Stat. § 181.932, subd. 1(1). “‘Employer’ . . . includes the state and any political subdivision of the state.” Minn. Stat. § 181.931, subd. 3 (2024). If there is no direct evidence of retaliation, MWA claims are analyzed under the *McDonnell Douglas* burden-shifting framework. *See Hanson*, 972 N.W.2d at 374. The employee must make a prima facie case that (1) the employee engaged in “statutorily protected conduct”; (2) the employer took “an adverse employment action”; and (3) there was “a causal connection between the two.” *Coursolle v. EMC Ins. Grp., Inc.*, 794 N.W.2d 652, 657 (Minn. App. 2011) (quotation omitted), *rev. denied* (Minn. Apr. 19, 2011). To make a prima facie case, “the employer’s knowledge of the employee’s protected activity along with close temporal proximity to the adverse action suffices to establish a causal connection.” *Hanson*, 972 N.W.2d at 374.

We conclude that, under our liberal notice-pleading standard, Monahan alleged an MWA claim upon which relief could be granted for her allegations regarding her representation of a union member in a grievance process. First, Monahan alleged a

protected activity—that she “represent[ed] a union member in filing a grievance against the [d]irector.” *See* Minn. Stat. § 181.932, subd. 1(1) (identifying good-faith reports of violations, suspected violations, or planned violations of state law, common law, or rules as protected activities). Second, Monahan alleged adverse employment actions, including harassment, intimidation, and retaliation in the form of false, negative performance reviews. *See id.*, subd. 1 (providing that an employer “shall not discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against an employee” because the employee engaged in a protected activity).¹² Finally, Monahan alleged a causal connection between the two:

[The director’s] violence escalated into retaliation against the union members who were attempting to support the employees experiencing the discrimination at her hands, by directing their supervisors to do her dirty work discriminating against them by falsely finding fault in their performance, *when no fault was ever found UNTIL they were representing members in lawful and peaceful grievance processes*

(Emphasis added.) Taking this allegation as true and construing it in the light most favorable to Monahan, the complaint sufficiently alleges a temporal proximity between the time Monahan assisted a union member in the grievance process and when she received the “false[] finding [of] fault” with her performance.¹³ *See Hanson*, 972 N.W.2d at 374

¹² We note that Minn. Stat. § 181.932, subd. 1, was recently amended. *See* 2023 Minn. Laws ch. 53, art. 11, § 26, at 1290-91. The earlier version of the operative language read: “An employer shall not discharge, discipline, threaten, otherwise discriminate against, or penalize an employee.” Minn. Stat. § 181.932 (2022). These amendments do not affect our conclusion that Monahan sufficiently pleaded a claim under the MWA.

¹³ To the extent that Monahan attempted to allege that the director took other adverse employment actions against her or that she engaged in other protected activities, we agree with the district court that she failed to sufficiently allege a causal connection.

(providing that “the employer’s knowledge of the employee’s protected activity along with close temporal proximity to the adverse action suffices to establish a causal connection” for purposes of making a prima facie case).

For this reason, we narrowly reverse the district court’s decision to dismiss Monahan’s MWA claim as it relates to her assisting a union member in a filing grievance.

Affirmed in part, reversed in part, and remanded.

Accordingly, we affirm the district court’s decision to dismiss the MWA claim as to these other factual scenarios.