

*This opinion is nonprecedential except as provided by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
A25-0874**

Ashney Helleksen,
Appellant,

vs.

City of Good Thunder,
Respondent.

**Filed March 16, 2026
Reversed and remanded
Cochran, Judge**

Blue Earth County District Court
File No. 07-CV-24-438

Alf E. Sivertson, Anja M. Sivertson, Law Office of Sivertson and Barrette, P.A., St. Paul,
Minnesota (for appellant)

Julie Fleming-Wolfe, Fleming-Wolfe Law, P.A., St. Paul, Minnesota (for respondent)

Considered and decided by Cochran, Presiding Judge; Connolly, Judge; and Segal,
Judge.*

NONPRECEDENTIAL OPINION

COCHRAN, Judge

Appellant was discharged from her position as city clerk. Following her termination, appellant brought a claim of retaliation under the Minnesota Whistleblower

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

Act (MWA), Minnesota Statutes section 181.932 (2024), and a claim of reprisal under the Minnesota Human Rights Act (MHRA), Minnesota Statutes section 363A.15 (2024). Appellant challenges the district court’s grant of summary judgment in favor of respondent on both claims. Because genuine issues of material fact exist as to respondent’s reasons for terminating appellant, we reverse and remand.

FACTS

This case involves a dispute regarding respondent City of Good Thunder’s decision to discharge appellant Ashney Helleksen from her employment as city clerk. The following facts stem from the summary-judgment record and are based on the evidence viewed in the light most favorable to Helleksen, as is required under the applicable standard of review.¹

Helleksen’s Hiring, Performance through October 2022, and Related Events

In March 2019, the city appointed Helleksen to the position of city clerk on an interim basis. In June 2019, after an unsuccessful search for another candidate, the city hired Helleksen as the full-time city clerk.

Good Thunder is a small city, governed by a mayor and a four-member city council—all elected officials. As city clerk, Helleksen reported to the city council and mayor. Her duties as city clerk included, among others, bookkeeping, payroll, preparation of W-2 forms, human resource functions, and planning city events.

¹ “We view the evidence in the light most favorable to the party against whom summary judgment was granted.” *McBee v. Team Indus., Inc.*, 925 N.W.2d 222, 230 (Minn. 2019).

Helleksen had not worked as a city clerk or bookkeeper prior to being hired by the city. While employed by the city, Helleksen annually attended a conference at which she received training on topics relevant to the position. The city paid her expenses for the conference in some years and she paid her expenses in other years.

The city retained an independent auditor, Burkhardt & Burkhardt, Ltd. (Burkhardt) to perform semiannual financial audits and present the results to the city council. In April 2020, Burkhardt presented the 2019 financial audit. The 2019 audit covered the first nine months of Helleksen's tenure with the city. The audit identified numerous adjustments to entries, including three significant errors. But Burkhardt remained optimistic about Helleksen's ability to improve with training.

In October 2020, Burkhardt presented the midyear 2020 audit report. Burkhardt noted that Helleksen's performance had improved, even though there were still some shortcomings, including problems with payroll and late payment of invoices. The end-of-year 2020 financial audit was presented by Burkhardt in April 2021. That report identified errors that necessitated "material" adjustments to the city's financial report and significant ongoing payroll problems. Burkhardt encouraged the city to provide Helleksen with training, job shadowing, and increased oversight.

On June 29, 2021, the city's personnel committee met and issued Helleksen a verbal reprimand due to the shortcomings in the final 2020 audit, which was later documented in a memorandum signed by the mayor. The personnel committee also acknowledged Helleksen's contributions to the city including launching the community library, planning the city's 150th celebration, and taking on additional duties. During the meeting, Helleksen

raised concerns that the city was treating its only other employee, a male employee, more favorably than Helleksen. Specifically, she expressed that the city was engaging in disparate treatment in terms of salary, benefits, and other matters. She also told the personnel committee that Councilmember Kaul was engaging in conduct that she felt constituted “harassment”—repeatedly following her in his vehicle and checking her whereabouts, even when she was not working. According to Helleksen, the city did not investigate Helleksen’s complaint of disparate treatment or Councilmember’s Kaul’s conduct.

On November 8, 2021, Burkhardt presented the mid-year 2021 audit report at a regular city council meeting. Burkhardt noted that there were some errors in the invoices that were sampled and that two invoices were paid late. But Burkhardt also reported that “[t]he city is better managed and operated than in years past.”

In February 2022, Helleksen filed a petition for a harassment restraining order (HRO) against Councilmember Kaul. In the petition, Helleksen alleged that Kaul had been driving by her home and workplace and that he followed Helleksen when she picked up her children from the bus stop while on her work break. The petition requested an HRO that was limited to the days and times that she was picking up her children. The district court initially granted Helleksen an ex parte temporary HRO, but it later dismissed the temporary HRO after a hearing in which both Helleksen and Kaul testified.

On April 11, 2022, Burkhardt presented the end-of-year 2021 audit report. Prior to the April 2022 city council meeting, Burkhardt informed Helleksen that Mayor Anderson

had asked Burkhardt to “rake [Helleksen] over the coals.” Helleksen does not believe that Burkhardt’s report was influenced by the mayor’s request.

At the meeting, Burkhardt reported that Helleksen had shown some improvements but still needed to improve her accounting skills. The audit noted some issues with payroll, late payments, and statutory compliance issues. Burkhardt suggested that the city council review quarterly reports to mitigate these issues.

A few days after the meeting, on April 15, 2022, the city attorney wrote a letter to the mayor and personnel committee regarding “a number of complaints” that the city had received about the city’s only other employee—the male maintenance worker. The complaints suggested that the male employee was performing work for private property owners during his regular work hours for the city. The city attorney also stated: “On a related note, the fact that these allegations against [the male employee] have not provoked the same reaction from the [city] council as concerns for the city clerk [is] problematic.” The city attorney went on to say: “It would certainly appear to an outside observer that the city has a double standard and we need to correct that perception.” The attorney noted: “The current issue of concern would be Councilmember Kaul monitoring the break time of the clerk b[ut] not the city maintenance department.”

During the summer of 2022, Mayor Anderson’s girlfriend started a petition to discharge Helleksen and disseminated a photograph of Helleksen taken while she was working. According to Helleksen, the mayor’s girlfriend made disparaging and sexualized remarks about Helleksen to the community including remarks based on the photograph, which showed Helleksen in a tank top. And the mayor’s girlfriend sent a copy of the

photograph to Councilmember Kaul at the mayor's request to encourage the adoption of a workplace dress code.

In response, Helleksen filed a report of sexual harassment with the city council, which the personnel committee met to discuss on July 25, 2022. Present at the meeting were the mayor, councilmembers, the city attorney, and Helleksen. During the meeting, the mayor admitted he was involved in sending the photo to Councilmember Kaul, claiming he thought the photo of Helleksen showed the need for a dress code. But the mayor denied involvement with the petition. The city attorney warned the personnel committee that pursuing a dress code based solely on the image of Helleksen could open the city to claims of discrimination. After the meeting, the city issued Helleksen an apology letter but did not formally investigate the matter or take any other action.

On October 10, 2022, at the next meeting with Burkhardt, the city council discussed the 2022 midyear audit. In its presentation, Burkhardt noted some improvements in Helleksen's performance but also noted that some problems with payroll persisted.

Mayor Anderson's Arrest and Related City Meetings

On October 19, 2022, a few days after the October 2022 meeting with Burkhardt, Mayor Anderson was arrested and charged with several crimes, including but not limited to: embezzlement of public funds, theft by swindle, and four counts of violating his contract as a public official. The arrest followed a report by Helleksen to the Office of the State Auditor in September 2021 that she suspected the mayor of financial improprieties and misdealing. After receiving Helleksen's report, the state auditor began an investigation.

Helleksen assisted the state auditor with the investigation. Mayor Anderson was “certain or fairly certain” that Helleksen was the person who reported him to the state auditor.

At city council and personnel committee meetings held in October and November 2022, community members and councilmembers discussed the mayor’s arrest and speculated on who reported his conduct. At one public meeting, Councilmember Kaul stated that the report must have come from within the city. While making this statement, Councilmember Kaul gestured toward Helleksen’s office in city hall. The city attorney, who was present at the meeting, cautioned city councilmembers against pursuing any such inquiries because such inquiries could implicate “whistleblower laws.”

Councilmembers and community members also raised concerns about Helleksen’s performance at these meetings. And Helleksen raised concerns of her own, reading a statement to the personnel committee describing how she believed she was being treated by the city council. In her statement, Helleksen said that she felt the city council was retaliating against her “for what was perceived as [her] participation in the investigation of the accused.” The city attorney recommended that an investigation be done by the city to determine the validity of Helleksen’s concerns. At that same meeting, a city councilmember suggested that they make a “change” to Helleksen’s employment with the city. The city attorney responded that if the city had concerns about Helleksen’s performance, the city council should wait until after the 2022 end-of-year audit report before making any decisions.

In January 2023, two new councilmembers joined the city council following their election in November 2022. Those councilmembers replaced Councilmember Karels, who

chose not to seek reelection, and Councilmember Prom. Councilmembers Froehlich and Kaul remained on the council. Mayor Anderson was also reelected in the November 2022 election.

2022 Audit Report and Termination

On April 10, 2023, Burkhardt presented the 2022 final audit report to the city council. Burkhardt identified one material weakness concerning adjusting journal entries. Burkhardt also identified 14 audit corrections and some payroll processing issues. Burkhardt explained that it is not uncommon to see issues of this type in audits for small cities, such as Good Thunder, with limited staff. Burkhardt also identified payroll processing issues but stated that the issues could be easily fixed with updated procedures and regular city council review of payroll reports.

Following the city council meeting to discuss the audit results, the city council held a closed, impromptu personnel committee meeting with Helleksen. At the meeting, councilmembers discussed shortcomings in Helleksen's performance. The mayor raised concerns about payroll processing. Helleksen acknowledged some shortcomings. She further responded that she felt unsupported in the role of city clerk. She explained that she had raised a number of concerns with the city council in the past two years, but her concerns had been ignored or minimized. The mayor then became angry, accused Helleksen of improperly spreading information about him, and told her: "You don't know what it is to be tough until you go to jail for a couple of days for something." Helleksen replied by reiterating her belief that the council's dissatisfaction with her job performance was retaliatory in nature.

Later in the meeting, the city attorney reminded the city council that the audit issues identified by Burkhardt that day were not uncommon for a city with a limited staff. The city attorney also suggested that the city hire an outside payroll specialist to assist Helleksen. Toward the end of the meeting, the personnel committee asked Helleksen to leave so that the committee could deliberate in private.

The following day, Helleksen sent an email to Councilmember Froehlich expressing her concern that the personnel committee meeting was part of “an ongoing pattern of discrimination and retaliation.” She told Councilmember Froelich that she felt the city continued to treat her differently than her male colleague, that she has been subject to inappropriate conduct based on her sex, and that she “continue[s] to experience retaliation for involvement in the state auditor’s investigation of Mayor Anderson’s illegal conduct” as evidenced by the mayor’s “snide remark to [Helleksen] about serving jail time.” Attached to the email was a copy of a letter that Helleksen wrote to Councilmember Karels in April 2022 summarizing “many of these issues.” Helleksen also emphasized in the email that her April 2022 report to Councilmember Karels was never investigated. She also stated that “her sincere hope is that these ongoing issues will be resolved and she can continue to do good work in her role as the city clerk.”

About a week later, on April 19, the city council held a special meeting and voted to discharge Helleksen from her employment as city clerk. While Mayor Anderson was not present at the meeting, the city council relied on information provided by Mayor Anderson in its decision to discharge Helleksen. All four members of the city council voted in favor of termination.

Lawsuit

Helleksen sued the city on December 21, 2023. In her complaint, she alleged that the city violated the MWA, Minnesota Statutes section 181.932, subdivision 1(1), (2). She also alleged that the city violated the MHRA, Minnesota Statutes section 363A.15(1). Specifically, Helleksen alleged that the city engaged in acts of retaliation in violation of the MWA by discharging her from her position as city clerk. Helleksen further alleged that the city engaged in reprisal in violation of the MHRA including discharging her.

Following the filing of the lawsuit, Helleksen deposed city councilmembers about their decision to discharge her and the circumstances preceding the termination decision. In his deposition, Councilmember Kaul stated that performance issues were the reason for Helleksen's discharge, but he also admitted that his decision to discharge Helleksen was "probably" motivated in "very small part" by the fact that Helleksen reported her concerns about the mayor to the state auditor instead of handling the matter internally. Other councilmembers primarily noted "problematic behavior" and "less than adequate" job performance, but another councilmember mentioned that "[t]here was a lot of buzz going on after all the mayor stuff and everything," along with the issues he had heard about "problems getting taxes paid and all this other stuff." However, that councilmember stated that Helleksen's involvement in Mayor Anderson's investigation had nothing to do with his decision to discharge her.

Helleksen also deposed Mayor Anderson. In his deposition, the mayor testified about the city's male employee in comparison to Helleksen. The mayor testified that because the male employee is "a man," he did not "go whining to [his] boss about every

little thing.” When asked if “Helleksen wasn’t man enough because she was raising” concerns of disparate treatment based on sex, Mayor Anderson replied that the complaints were “constant, always something.” When pressed on whether he perceived Helleksen differently than her male colleague, he explained that he believed that men “don’t let [workplace issues] bother them as much” and that Helleksen reacted differently from her male colleague “because she is a woman.”

At the close of discovery, the city moved for summary judgment on both claims. Helleksen opposed the motion. In a written order, the district court granted the city’s motion for summary judgment on both claims, concluding that “Helleksen has failed to persuasively rebut the reasons for termination set forth by the city or otherwise prove that her termination was because of her gender or her complaint against Mayor Anderson.”

Helleksen appeals.

DECISION

Helleksen challenges the district court’s grant of summary judgment on both the MWA claim and the MHRA claim. An appellate court reviews a district court’s grant of summary judgment *de novo*. *Hanson v. Dep’t of Nat. Res.*, 972 N.W.2d 362, 371 (Minn. 2022). Summary judgment is proper only when “the movant shows that there is no genuine issue as to any material fact and the movant is entitled to judgment as a matter of law.” Minn. R. Civ. P. 56.01; *see also Senogles v. Carlson*, 902 N.W.2d 38, 42 (Minn. 2017). “A genuine issue of material fact exists when reasonable minds can draw different conclusions from the evidence presented.” *Rygwall v. ACR Homes, Inc.*, 6 N.W.3d 416, 427 (Minn. 2024). When determining whether a genuine issue of material

facts exists, “we view the evidence in the light most favorable to the nonmoving party and resolve all doubts and factual inferences against the moving parties.” *Hanson*, 972 N.W.2d at 372 (quotation omitted). We will reverse a district court’s grant of summary judgment when a genuine issue of material fact exists or if the district court misapplied the law. *Id.* at 371-72.

An employee may satisfy their burden to demonstrate a genuine issue of material fact on an MWA retaliation claim or MHRA reprisal claim by coming forward with direct evidence of a violation. *Hoover v. Norwest Priv. Mortg. Banking*, 632 N.W.2d 534, 542 (Minn. 2001); *Hanson*, 972 N.W.2d at 373. But, because there is often an absence of direct evidence to support such claims, Minnesota courts have applied “the *McDonnell Douglas* burden-shifting framework [established by the United States Supreme Court] to allocate the burden of proof between the plaintiff and defendant” at the summary-judgment stage in employment-retaliation and reprisal cases. *Hanson*, 972 N.W.2d at 372-373 (applying the *McDonnell Douglas* framework to MWA retaliation claims); *Hoover*, 632 N.W.2d at 548 (“A reprisal claim [under the MHRA] is analyzed under the *McDonnell Douglas* burden-shifting test.”); *Moore v. City of New Brighton*, 932 N.W.2d 317, 323 (Minn. App. 2019), *rev. denied* (Minn. Oct. 15, 2019).

The *McDonnell Douglas* framework involves three steps.² *Hanson*, 972 N.W.2d at 373. At the first step, the employee has the burden to establish a prima facie case of

² We acknowledge the supreme court has accepted review of the issue of whether the *McDonnell Douglas* framework applies to MWA claims at summary judgment. *See Olds v. City of Moorhead*, No. A24-2001, 2025 WL 2202601, at *4 (Minn. App. Aug. 4, 2025), *rev. granted* (Minn. Oct. 29, 2025). But because we are bound by existing

discrimination. *Id.* (citing *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802 & n.13 (1973)). To meet this burden, the employee must come forward with evidence of: “(1) statutorily-protected conduct by the employee; (2) adverse employment action by the employer; and (3) a causal connection between the two.” *Moore*, 932 N.W.2d at 323 (quotation omitted). If the employee establishes a prima facie case, the analysis moves to the second step. At this step, the burden shifts to the employer to provide a “legitimate, nonretaliatory reason” that explains the adverse employment action. *Id.* at 324. If the employer satisfies the second step, “the burden shifts back to the employee [at the third step] to demonstrate that the employer’s proffered reason is pretextual.” *Hanson*, 972 N.W.2d at 373. At this third step, the employee has the burden to demonstrate that the evidence, viewed in the light most favorable to the employee, is sufficient to “allow a reasonable trier of fact to find that the employer’s stated reason for the allegedly adverse action was more likely than not merely a pretext.” *Moore*, 932 N.W.2d at 324. If the employee satisfies this burden, the *McDonnell Douglas* test is met, and summary judgment must be denied. *Id.*³

We apply the *McDonnell Douglas* test to Helleksen’s MWA and MHRA claims, and we conclude that the district court erred in granting summary judgment in favor of the

precedent, we apply the *McDonnell Douglas* test in this case consistent with the supreme court’s approach in *Hanson*. 972 N.W.2d at 373.

³ We note that Helleksen also argues direct evidence of retaliation precludes summary judgment on her MWA claim. Because we conclude that the *McDonnell Douglas* analysis requires reversal, we do not reach the merits of whether direct evidence precludes summary judgment.

city on both claims. In conducting our review, we are mindful that “[s]ummary judgment is a blunt instrument that is inappropriate when reasonable persons might draw different conclusions from the evidence presented.” *Montemayor v. Sebright Prods., Inc.*, 898 N.W.2d 623, 628 (Minn. 2017) (quotations omitted).

I. The district court erred by granting summary judgment on Helleksen’s MWA claim.

Helleksen argues that the district court erred in granting summary judgment on her MWA claim because genuine issues of material fact exist. The MWA provides, in relevant part, that “[a]n employer shall not discharge . . . an employee . . . because . . . the 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 governmental body or law enforcement official.” Minn. Stat. § 181.932, subd. 1(1). To establish a violation of this provision, Helleksen must prove that the city discharged her because she in good faith reported a suspected violation of state law by Mayor Anderson. *Id.* We apply the *McDonnell Douglas* test to these elements to determine whether the district court erred in granting summary judgment on Helleksen’s MWA claim. *Hanson*, 972 N.W.2d at 373.

Neither party challenges the district court’s conclusion that the first two steps of the *McDonnell Douglas* test are satisfied with respect to Helleksen’s MWA claim. Specifically, the district court found that Helleksen established a prima facie claim of retaliation under the MWA based on evidence that she was discharged after she reported the mayor’s unlawful financial dealings to the state auditor. And the city satisfied the

second step by presenting evidence of a legitimate, nonretaliatory reason for Helleksen's termination—her poor job performance.⁴ We agree with the district court's conclusion that the first two steps are met, and we therefore focus our analysis on the third step.

To meet her burden at the third step, Helleksen must demonstrate that the city's proffered reason—her job performance—was pretextual. *Hanson*, 972 N.W.2d at 373. “Sufficient evidence of pretext could include that the employer's stated reason is untrue” or “an employee could alternatively offer evidence at this step that an improper reason motivated the discharge decision.” *Id.* (quotation and citation omitted). In *Hanson*, the supreme court noted that the *McDonnell Douglas* framework applies in cases involving mixed motives for the employer's conduct. *Id.* at 376. And to satisfy the third step of the *McDonnell Douglas* framework, it is sufficient that “the protected whistleblowing was a *motivating factor* in the employer's adverse employment action.” *Id.* at 373 n.17 (emphasis added).

Helleksen argues that she has met her burden on the third step of the *McDonnell Douglas* test and that the district court erred in concluding otherwise. We agree.

Viewing the evidence in the record in the light most favorable to Helleksen and resolving all doubts and factual inferences against the city, we conclude that the evidence

⁴ As Helleksen points out, the district court applied an incorrect standard in reviewing the evidence on summary judgment: it considered whether “Helleksen has persuasively rebutted the City's reasons for terminating her” rather than considering whether the city's proffered reason is pretextual because the employer's proffered reason is untrue or the challenged action was motivated by an unlawful reason. *Cf. Hanson*, 972 N.W.2d at 373 (explaining that the employee's burden is to “demonstrate that the employer's proffered reason is pretextual”). But because our review is *de novo*, this error by the district court does not affect our analysis.

is sufficient to permit a reasonable juror to find that retaliation for reporting the mayor's illegal conduct was a motivating factor in the city's decision to discharge Helleksen. *Id.* at 376; *see also McGrath v. TCF Bank Sav., FSB*, 509 N.W.2d 365, 366 (Minn. 1993) (applying the *McDonnell Douglas* framework to the whistleblower statute). We reach this decision based on the following evidence. First, the record reflects that the decision to discharge Helleksen was made by the city council after consulting with the mayor, and the city council admitted that it relied on the mayor's input in deciding to discharge Helleksen even though the mayor did not participate in the vote. Second, the record includes evidence that the mayor was "certain or fairly certain" that Helleksen reported him to the state auditor. Third, there is evidence that the mayor exhibited anger toward her for doing so. For example, in a personnel meeting held eight days before Helleksen was discharged, Helleksen told the mayor and city council that she no longer felt supported by the council and noted her concerns about being treated harshly by the council. In response, the mayor became angry and told Helleksen: "You don't know what it is to be tough until you go to jail for a couple of days for something. So, you try that one on for size." Taken together, evidence of the mayor's anger over Helleksen's statutorily protected report to the state auditor and his influence on the council's decision to discharge Helleksen provides sufficient evidence for a reasonable juror to find that retaliation was a motivating factor in the city council's decision to discharge Helleksen.

Additional evidence in the record also supports our conclusion that Helleksen has satisfied the third step of the *McDonnell Douglas* test for her MWA claim. That includes evidence supporting Helleksen's claim that at least one councilmember "pressed for [her]

termination within weeks of [the mayor's] arrest.” And the city attorney repeatedly warned that taking disciplinary action against Helleksen could expose the city council to legal risks. In addition, the timing of the city's decision to discharge her, which happened at a special city council meeting only nine days after the personnel meeting, is also probative of the city's true reasons for discharging her when considered along with the other evidence. *See Hubbard v. United Press Int'l, Inc.*, 330 N.W.2d 428, 445-46 (Minn. 1983) (noting that although timing of discharge alone is not enough to satisfy a plaintiff's “ultimate burden of persuasion,” it may “raise an inference of retaliatory motive”).

Lastly, the record reflects that one councilmember admitted in his deposition that his decision to vote to discharge Helleksen probably was based in part on her report to the state auditor. Councilmember Kaul testified that Helleksen's decision to report the mayor's conduct to the state rather than handle the matter internally “probably” played a “very small part” in his decision to vote to discharge Helleksen. While the other three councilmembers did not make similar admissions and maintained that their decisions were based on performance, Councilmember Kaul's deposition testimony along with the other evidence discussed above could support a determination that Helleksen's report to the state auditor was “a motivating factor” in the city's decision to discharge her employment and the city's claim that the termination was based solely on performance issues is pretextual. *Hanson*, 972 N.W.2d at 373 n.17.

In short, viewing the evidence in the light most favorable to Helleksen and resolving all doubts and factual inferences against the city, we conclude that a jury could reasonably find that Helleksen's report to the state auditor of the mayor's illegal activities was a

motivating factor for her termination by the city. We therefore conclude that Helleksen has satisfied the third step of the *McDonnell Douglas* test and that a genuine issue of material fact exists regarding the city's proffered reason for terminating Helleksen. Accordingly, the district court erred by granting summary judgment on the MWA retaliation claim.

II. The district court erred by granting summary judgment on Helleksen's MHRA claim.

Helleksen also challenges the district court's grant of summary judgment to the city on her MHRA reprisal claim, arguing that genuine issues of material fact exist that bar summary judgment. The MHRA prohibits an employer from "intentionally engag[ing] in any reprisal against any person because that person . . . opposed a practice forbidden under [the MHRA]." Minn. Stat. § 363A.15. One practice prohibited under the MHRA is discriminating against an employee on the basis of sex. Minn. Stat. § 363A.08, subd. 2 (2024). "A reprisal includes, but is not limited to, any form of intimidation, retaliation, or harassment." Minn. Stat. § 363A.15. To establish her claim of reprisal under the MHRA, Helleksen must prove that the city intentionally engaged in reprisal based on her reports of sex discrimination in the workplace. *Bahr v. Capella Univ.*, 788 N.W.2d 76, 81 (Minn. 2010).

Like the MWA claim, we consider Helleksen's MHRA claim under the *McDonnell Douglas* framework. The parties do not dispute that the first two steps of the *McDonnell Douglas* test are satisfied. Based on our de novo review, we agree. Helleksen has established a prima facie case of reprisal under the MHRA because the record includes

evidence that the city discharged Helleksen following Helleksen's reports of sex discrimination in the workplace. We also conclude that the city has met its burden to provide a legitimate, nonretaliatory reason for her discharge—poor job performance. We next consider the third step.

To survive summary judgment at the third step of the *McDonnell Douglas* framework on a MHRA claim, an employee must establish a disputed issue of material fact that raises doubt as to “whether the employer gave an honest explanation of its behavior.” *Benassi v. Back & Neck Pain Clinic, Inc.*, 629 N.W.2d 475, 482 (Minn. App. 2001), *rev. denied* (Minn. Sept. 11, 2001); *see also Henry v. Indep. Sch. Dist. #625*, 988 N.W.2d 868, 883 (Minn. 2023) (explaining that at the third step of the *McDonnell Douglas* test for MHRA claims, “the plaintiff must prove that the reason offered by the defendant is merely a pretext for discrimination”). This standard is similar to the standard applied to an MWA claim. *See Hanson*, 972 N.W.2d at 373.

Helleksen argues that she has met this standard. In support of her argument, she points to the following evidence: the reports she made to the city council about sex discrimination in 2021 and 2022; harsh criticism from Mayor Anderson following her report of sex discrimination in 2022; testimony by Mayor Anderson in his deposition that he viewed Helleksen differently than the city's male employee based on gender; and the city's decision to discharge her on April 19, 2023, just eight days after she made her last report of discrimination. Helleksen contends that this evidence, taken together, is sufficient

for a reasonable juror to conclude that she faced reprisal for her repeated complaints of sex discrimination.⁵ We agree.

The summary-judgment record includes evidence that, when viewed in the light most favorable to Helleksen and drawing all reasonable inferences against the city, could support a reasonable jury finding that the city engaged in reprisal against Helleksen for making reports of sex discrimination in the workplace. As an initial matter, the record reflects that Helleksen made several reports to the city council of sex discrimination in the workplace, starting in 2021 and up until just days before she was discharged in April 2023. Those reports included accounts of disparate treatment compared to her male colleague. Additionally, following Helleksen's report in 2022 that the city was treating its male employee more favorably, Mayor Anderson requested that the city's auditor "rake [Helleksen] over the coals" in an upcoming audit report. There is also evidence that the city was dismissive of many of her complaints of sex discrimination and did not seriously investigate the complaints.

Mayor Anderson's deposition testimony provides further evidence to support our conclusion. In his deposition, Mayor Anderson made gendered comments about Helleksen, reflecting that he had a strong animus against Helleksen based on her sex. For example, when comparing Helleksen to a male employee, Mayor Anderson said that the male employee did not "go whining to [his] boss about every little thing" because he is "a

⁵ While Helleksen focuses primarily on her termination as evidence of her reprisal, she notes that she also faced harassment and intimidation, which are cognizable forms of reprisal under the MHRA. *See* Minn. Stat. § 363A.15 ("A reprisal includes, but is not limited to, any form of intimidation, retaliation, or harassment.")

man.” When asked if “Helleksen wasn’t man enough because she was raising” concerns of disparate treatment based on sex, Mayor Anderson replied that the complaints were “constant, always something.” When pressed on whether he perceived Helleksen differently than her male colleague, he replied that men “don’t let [workplace issues] bother them as much” and that Helleksen reacted differently from her male colleague “because she is a woman.” The mayor’s deposition testimony reflects that he viewed Helleksen differently than her male colleague on the basis of sex.

The city argues that we should not consider the mayor’s deposition testimony at the third step of the *McDonnell Douglas* test because his “statements were not made in connection with Helleksen’s termination and do not diminish the strength of the evidence of Helleksen’s performance problems or establish that the reasons given for Helleksen’s termination were false.” We disagree.

In the context of Helleksen’s termination, Mayor Anderson’s comments provide strong evidence of his hostility toward Helleksen when she was employed as city clerk. And it is undisputed that the city council relied on the mayor’s input when it decided to discharge Helleksen. Also, in reaching our conclusion that Helleksen has met the third step of the *McDonnell Douglas* test, the mayor’s statements are just one piece of evidence that we consider. To determine whether Helleksen has met her burden, we consider the evidence as a whole, viewed in the light most favorable to Helleksen. *Henry*, 988 N.W.2d at 880.

The totality of the evidence also includes evidence that Helleksen made a report to the city council alleging sex discrimination and retaliation on April 11, 2023, and the city

council did not investigate the report but instead held a special meeting eight days later. At that meeting, the city council voted to discharge Helleksen's employment as city clerk. On its own, the city's decision to discharge Helleksen eight days after she made her final report of sex discrimination would not be enough to survive summary judgment. After all, "usually more than a temporal connection is necessary to create a genuine fact issue on retaliation." *Freeman v. Ace Tel. Ass'n*, 404 F.Supp.2d 1127, 1141 (D. Minn. 2005), *see also Grundtner v. Univ. of Minn.*, 730 N.W.2d 323, 332 (Minn. App. 2007) (concluding that while "the timing of appellant's termination and his allegation of improper conduct are unfortunate," appellant's claim still fails because the termination was a "foregone conclusion"). But considering this timing evidence *along with* the evidence discussed above—the evidence of the mayor's desire for Burkhardt to "rake [Helleksen] over the coals," the mayor's comments about gender, the city council's reliance on input from the mayor, and the city council's failure to investigate Helleksen's repeated claims of discrimination and instead discharge her from the position, we conclude that there is sufficient evidence for Helleksen's MHRA reprisal claim to go to a jury. A reasonable jury could conclude based on this evidence that Helleksen's termination constitutes reprisal by the city for her reports of sex discrimination in the workplace.⁶ It is true, as the city notes, that the record also reflects that Helleksen was not a strong employee and had performance issues. But this evidence is for a jury to weigh, and it does not negate that a rational fact-finder could conclude that the reason offered by the city—Helleksen's job

⁶ We would reach this same conclusion even if we did not consider the mayor's gendered remarks about Helleksen made during the mayor's deposition testimony.

performance—was a “pretext for a discriminatory discharge.” *Hoover*, 632 N.W.2d at 547. Accordingly, the district court erred by granting summary judgment on Helleksen’s MHRA.

Conclusion

In sum, we conclude that the district court erred by granting summary judgment in favor of the city on Helleksen’s MWA and MHRA claims. Helleksen has provided sufficient evidence to create genuine issues of material fact as to the motivation of the city in terminating her employment. Accordingly, we reverse and remand for further proceedings. We express no opinion as to the ultimate merits of the MWA and MHRA claims, concluding only that the evidence is sufficient for the claims to go to a jury.

Reversed and remanded.