

*This opinion is nonprecedential except as provided by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
A26-0124**

Peter Richard Rickmyer,
Appellant,

vs.

City of Minneapolis, et al.,
Respondents.

**Filed July 6, 2026
Affirmed; motion denied
Smith, Tracy M., Judge**

Hennepin County District Court
File No. 27-CV-25-13109

Peter Richard Rickmyer, Minneapolis, Minnesota (self-represented appellant)

Kristyn Anderson, Minneapolis City Attorney, Gregory P. Sautter, J. Haynes Hansen,
Assistant City Attorneys, Minneapolis, Minnesota (for respondents)

Considered and decided by Smith, Tracy M., Presiding Judge; Schmidt, Judge; and
Beane, Judge.

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

Appellant Peter Richard Rickmyer challenges the summary-judgment dismissal of his petition for a writ of mandamus, which he brought to compel respondents City of Minneapolis and its Department of Community Planning and Economic Development (CPED) and Department of Public Works to adjust the lighting levels near his residence.

Rickmyer also moves to strike portions of respondents' brief. We affirm, and we deny the motion to strike.

FACTS

In February 2023, Rickmyer contacted the city, complaining of bright lights near his home. A zoning inspector with the city visited the site on February 16, 2023, and found no violations of Minneapolis ordinances. Rickmyer made an additional complaint in June 2025. The inspector again inspected the area and found no violations. On each occasion, the inspector inspected the lighting near Rickmyer's home after dark, using a light meter to measure "the number of footcandles^[1] emitted by the light at issue to determine whether it is in compliance with the City's ordinances regarding light performance." Rickmyer was not present for these inspections.

In July 2025, Rickmyer filed a petition for a writ of mandamus, claiming that respondents are obligated under Minneapolis Code of Ordinances (MCO) section 535.590 (2001)² and Title II of the ADA, *see* 42 U.S.C. § 12132 (2024), to address the lighting conditions outside of his house but have failed to do so. Rickmyer alleged that "[e]xcessive lighting continues to shine directly onto [his] home and property, resulting in sleep disruption, use restriction, and health aggravation," and that he experiences harm disproportionate to other residents "due to diagnosed sensitivities, which have been disclosed but not accommodated." Rickmyer identified the privately maintained lighting

¹ A footcandle is a measurement of how much light reaches a surface.

² Rickmyer also cites MCO section 244.1580 (2013), but its relevance here is not clear because that ordinance deals with "Weeds, other vegetation."

on the Broadway Flats building next door to his house as the source of the aggravating light.

On July 18, the inspector conducted another inspection at 1:15 a.m. and again found no violations. On August 7, the inspector conducted another lighting inspection at 10:34 p.m. and found that the footcandle measurement at the street curb line was 0.0. Rickmyer was not present for these inspections. In a later affidavit, the inspector stated:

It was my determination that on each of the occasions that I inspected the lights facing [Rickmyer's] house, the lights did not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.

Rickmyer subsequently filed a document titled “motion for expedited hearing for court order to compel ADA accommodation,” a supporting affidavit, and an amended petition for writ of mandamus. In the affidavit, Rickmyer stated that the lights at Broadway Flats consist of “high-intensity fixtures mounted on utility poles and private buildings” and that “[t]hese lights remain illuminated throughout the night and direct beams into my windows and living space, causing glare, sleep disruption, and physical discomfort.” Rickmyer requested a “post-dusk site inspection and shielding or redirection of specific lighting fixtures.” Rickmyer also stated, “I am disabled in communication and experience difficulty conveying complex environmental impacts through written correspondence. A site visit would allow me to physically point to the specific lights that are causing harm and explain the negative impact of each fixture in real time.” In his accompanying memorandum, Rickmyer stated that his “communication-related disability makes written

exchanges insufficient for conveying the full scope of harm.” He wrote, “A site visit is not only reasonable—it is necessary to facilitate meaningful participation in the interactive process. The ADA requires accommodations that are tailored to the individual’s needs, and in this case, physical presence and visual demonstration are essential.” Rickmyer requested the following relief: (1) conduct a site inspection one hour after dusk, with Rickmyer present to identify and explain specific lighting harms; (2) implement directional or shielding corrections to misaligned lights; (3) initiate formal, ADA-compliant remediation discussions; and (4) take interim steps to prevent further health and rights violations.

Respondents thereafter brought a motion to dismiss, or in the alternative, for summary judgment. Rickmyer also brought a motion for summary judgment.

In September, the city dimmed the public streetlights “to the maximum extent possible while staying within the city’s set performance standards for lights in Pedestrian Areas” and installed a house-side back shield on the streetlight fixture closest to Rickmyer’s home.

In September, Rickmyer filed an amended “motion to compel ADA accommodations,” requesting that the district court order respondents to conduct a site inspection one hour after dusk with Rickmyer present, initiate the ADA interactive process, “provide a written determination granting or denying the accommodation,” explain the factual basis and propose alternatives if accommodation is denied, and enforce the applicable lighting ordinances if Broadway Flats is found to be in violation of them.

After a hearing, the district court granted respondents’ motion for summary judgment and dismissed Rickmyer’s petition.

Rickmyer filed an appeal from the summary judgment. In addition, Rickmyer filed several motions before this court. In previously filed orders, we denied all of Rickmyer's motions except for his motion to strike portions of respondents' brief, which we address below.

DECISION

I. The district court did not err by granting summary judgment on Rickmyer's claims for mandamus.

Appellate courts “review a district court’s summary judgment decision de novo. In doing so, [appellate courts] determine whether the district court properly applied the law and whether there are genuine issues of material fact that preclude summary judgment.” *Riverview Muir Doran, LLC v. JADT Dev. Grp., LLC*, 790 N.W.2d 167, 170 (Minn. 2010) (citation omitted). Appellate courts “view the evidence in the light most favorable to the party against whom summary judgment was granted.” *STAR Ctrs., Inc. v. Faegre & Benson, L.L.P.*, 644 N.W.2d 72, 76-77 (Minn. 2002).

Minnesota Statutes section 586.01 (2024) provides that a writ of mandamus may be issued “to compel the performance of an act which the law specifically enjoins as a duty resulting from an office, trust, or station.” “Mandamus is an extraordinary remedy that is available only to compel a duty clearly required by law.” *Ly v. Harpstead*, 16 N.W.3d 788, 800 (Minn. App. 2025), *rev. denied* (Apr. 15, 2025) (quotation omitted). “To obtain a writ of mandamus, a petitioner must show: (1) that the defendant failed to perform an official duty clearly imposed by law; (2) that, as a result, the petitioner suffered a public wrong

specifically injurious to the petitioner; and (3) that there is no other adequate legal remedy.”
Id. (quotation omitted).

Rickmyer appears to base his mandamus claims on respondents’ alleged failure to perform three official duties: (1) a duty to enforce municipal ordinances, (2) a duty to abate public nuisances, and (3) a duty to provide disability accommodations. We address whether summary judgment is improper under any of these theories.

A. Minneapolis City Ordinance Section 550.2230

Rickmyer argues that summary judgment is not proper because he presented a genuine dispute of material fact as to whether respondents were violating their duty to enforce a municipal ordinance regarding lighting.

MCO section 550.2230(b) (2023) establishes requirements for lighting fixtures.

Relevant here:

(1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.

(2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.

(3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility

“Publicly controlled or maintained street lighting and warning, emergency or traffic signals” are exempt from these requirements. MCO § 550.2230(c)(1).

Rickmyer argues that the district court “improperly credited the City’s ‘0.0 footcandle’ measurement over [his] photographic evidence and sworn affidavit.” He asserts that a reading of 0.0 footcandles in an area with streetlights is “scientifically implausible.” Rickmyer also contends that the city’s corrective actions “contradict the City’s claim of no violation.” Rickmyer contends that material factual disputes exist related to the lighting levels, accuracy of measurements, corrective actions taken, impact on his home, and adequacy of inspections.

Respondents argue that Rickmyer has not distinguished between public street lighting and the exterior lights of privately owned Broadway Flats and has not stated with specificity how the lighting at Broadway Flats exceeds the permissible thresholds outlined in the relevant ordinance. Additionally, respondents argue that Rickmyer did not raise his arguments about the accuracy of the footcandle measurements before the district court and has thus forfeited that argument.

Rickmyer’s complaints to the city appear to be generally focused on the lights on the privately owned Broadway Flats building, though at times it is unclear whether the lights he references are only the Broadway Flats lights or also the publicly owned streetlights. The district court, citing MCO section 550.2230(c)(1), found that “by its own terms, the City’s lighting ordinance exempts ‘publicly controlled or maintained street lighting’ from its provisions” and that, to the extent that Rickmyer’s complaints relate to the public streetlights, his mandamus claims fail because the ordinance does not apply. We

see no error in this district court's reasoning. Moreover, though the city took steps to reduce the light from the public streetlights by dimming them to the lowest permissible level and placing shields, we reject Rickmyer's suggestion that the city's attempt to address his concerns reasonably implies a violation of the ordinance. "[W]hen determining whether a genuine issue of material fact for trial exists, the court is not required to ignore its conclusion that a particular piece of evidence may have no probative value, such that reasonable persons could not draw different conclusions from the evidence presented." *DLH, Inc. v. Russ*, 566 N.W.2d 60, 70 (Minn. 1997).

As for the privately maintained Broadway Flats lights, the district court determined that Rickmyer "raises no genuine issue of material fact as to whether the lighting in the area of [Rickmyer's] residence exceeds the footcandle limit." We agree. While Rickmyer submitted photos to the district court that he asserts demonstrate that the Broadway Flats lights exceed the limits outlined in MCO section 550.2230, as the district court noted, Rickmyer did not explain "how he concluded the privately maintained lights near his residence exceed the objective measures provided in MCO § 550.2230." In contrast, respondents provided an affidavit from the city's inspector, who has over 25 years of experience as a zoning inspector, including regular investigation of lighting violations, that stated that multiple after-dark inspections showed that the lights did not exceed the footcandle limits outlined in the ordinance. Rickmyer argues that the city's footcandle calculations were inaccurate and impossible because they were 0.0, but, as respondents observe, he raised that argument for the first time on appeal and the argument is therefore not properly before us. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (holding

that appellate courts generally do not consider matters not argued to and considered by the district court).

Because Rickmyer fails to show a genuine issue of material fact as to whether the lighting violated the ordinance, his argument that city officials have failed to perform an official duty clearly imposed by MCO section 550.2230 by not addressing a violation also fails.

To support his mandamus claim, Rickmyer also seems to assert that city officials were required to conduct an inspection with him present, but he points to no authority that imposes such a duty. Therefore, this argument also fails.

Because Rickmyer fails to show a genuine issue of material fact as to the city's failure to perform an official duty clearly imposed by the lighting ordinance, summary judgment on this theory was proper.

B. Nuisance Claim

Rickmyer also seems to claim that respondents failed to perform a duty to abate a nuisance under Minnesota Statutes section 561.01 (2024). He argues that, in granting summary judgment against him on his nuisance-related claim, the district court misapplied the "adequate legal remedy doctrine" because a cause of action for nuisance is not an adequate legal remedy. *See Ly*, 16 N.W.3d at 800.

Rickmyer asserts that a nuisance claim would not result in an adequate legal remedy because a nuisance claim could not compel the city to take action. Rickmyer's requested relief is ultimately that the lights at Broadway Flats be dimmed or redirected. Minnesota Statutes section 561.01 provides a cause of action for a "person whose property is

injuriously affected or whose personal enjoyment is lessened” due to “[a]nything which is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.” A successful claim against Broadway Flats for nuisance thus could provide Rickmyer’s requested relief. Therefore, because there was another adequate legal remedy, summary judgment on this theory was proper.

Moreover, the city does not have a duty to require privately owned Broadway Flats to dim its lights when those lights comply with the city ordinances. Rickmyer’s claim also fails for this reason.

C. Disability Claim

Rickmyer also argues that the district court erred by dismissing his mandamus claim based on respondents’ alleged failure to provide reasonable accommodations for his disability under the ADA or Minnesota Human Rights Act (MHRA). He contends that neither statute would provide an adequate legal remedy because successful claims under those statutes cannot compel post-dusk inspections, enforcement of municipal ordinances, or initiation of the ADA interactive process.

The ADA and MHRA require a regulated public entity (such as the city) to provide reasonable accommodations for disabilities in the provision of services. *See* 42 U.S.C. § 12132; Minn. Stat. § 363A.12 (2024). The ADA requires initiation of an interactive process to determine the appropriate reasonable accommodations. *See McBee v. Team Indus., Inc.*, 925 N.W.2d 222, 228 (Minn. 2019). Perhaps, if Rickmyer could prove that the city violated the ADA or the MHRA by failing to provide reasonable accommodations, he

could obtain relief in the form of those accommodations under either the ADA or the MHRA. Mandamus relief is therefore precluded.

Moreover, Rickmyer has not presented a genuine issue of material fact that city officials failed to perform an official duty clearly imposed by the disability-discrimination statutes. Specifically, he has not demonstrated any connection between his alleged disability and the mandamus relief he seeks from city officials. Rickmyer appears to equate respondents' obligation to engage in the interactive process in determining reasonable accommodations with a requirement to allow him to observe the inspection process. But he has failed to explain how his presence at an inspection would accommodate his claimed disability. For this reason, too, summary judgment on this mandamus claim was proper.³

II. No procedural error requiring reversal occurred.

Rickmyer raises several procedural arguments, none of which is persuasive.

Rickmyer argues that the district court “ignored” his motion for summary judgment and his motion to compel ADA accommodations. Rickmyer also argues that respondents' failure to specifically respond to each of these motions required the district court to treat his arguments as conceded.

As for Rickmyer's motion for summary judgment, the district court did not ignore it; rather, the district court explicitly denied his motion in its order. And Rickmyer's

³ Because we conclude that Rickmyer's disability-discrimination theory for mandamus fails as a matter of law for the reasons discussed, we need not address Rickmyer's argument that the district court applied the wrong legal standard in determining that he failed to raise a genuine issue of fact as to whether he is a qualified person with a disability.

argument that respondents conceded his arguments because they did not respond to his motion for summary judgment also fails. When Rickmyer filed his motion, respondents had already submitted their own motion for summary judgment. Moreover, respondents' opposition to summary judgment for Rickmyer was implicit in their motion. And, even if respondents were required to submit a response, their failure to do so does not automatically result in a concession. *See Bunkowske v. Briard*, 461 N.W.2d 392, 394-95 (Minn. App. 1990) (holding that district court erred by too rigidly applying procedural rules to decide that a summary-judgment motion was unopposed when a response was not timely filed).

As for Rickmyer's motion to compel ADA accommodations, the district court again did not ignore it; the district court explicitly stated in its order granting summary judgment that it treated Rickmyer's motion to compel ADA accommodations as an extension of his pleadings. A district court may exercise discretion to liberally construe pleadings by self-represented parties. *See State ex rel. Farrington v. Rigg*, 107 N.W.2d 841, 842 (Minn. 1961). And by moving for summary judgment on Rickmyer's claims, respondents conveyed opposition to the arguments that Rickmyer later made in his contrary motion.

Lastly, Rickmyer filed a motion to strike portions of respondents' brief, arguing that the brief contains facts outside the record, misstates the district court's findings, and raises legal arguments for the first time on appeal. The arguments are without merit. Based on our review of the record, respondents' brief does not contain facts outside the record. Rickmyer's argument appears to incorrectly equate the requirement that a party's brief not contain facts outside the *record* to a (nonexistent) requirement that a party's brief not

contain facts outside of the *district court's order*. Finally, our review of the record confirms that respondents' brief does not misstate the district court's findings or raise legal arguments for the first time on appeal. As a result, we deny Rickmyer's motion to strike portions of respondents' brief.

Affirmed, motion denied.