Filed in District Court
State of Minnesota
5/15/2026 10:14 PM

STATE OF MINNESOTA DISTRICT COURT

COUNTY OF OTTER TAIL SEVENTH JUDICIAL DISTRICT

Craig Stevenson and Marie Stevenson,

Plaintiffs,

v.

Sean Christopher Stevenson, Renee Stevenson, Lisa Stevenson-Allen, and Ashley Anderson,

Defendants.

Court File No.: 56-CV-20-2928
Case Type: Other Civil
Judge: Kevin Miller

PLAINTIFFS' REPLY MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION FOR ORDER TO SHOW CAUSE AND ORDER FOR CONTEMPT

INTRODUCTION

On February 26, 2026, the Court of Appeals entered appellate judgment in this case. (Doc. 564.) After the case terminated, Defendants Sean Christopher Stevenson ("Sean"), Renee Stevenson ("Renee"), and Ashley Anderson ("Ashley") (collectively, "Defendants") refused to comply with this Court's January 24, 2022 Amended Protective Order (Doc. 171) (the "Protective Order").

Only after Plaintiffs Craig Stevenson and Marie Stevenson (collectively "Plaintiffs") brought this Motion for an Order to Show Cause and for Contempt (Doc. 589) ("Plaintiffs' Contempt Motion") did Defendants *partially* perform. Defendants' non-compliance is not excused or justified. Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion for an Order to Show Cause and an Order for Contempt (Doc. 597) ("Defendants' Opposition") rests upon a faulty premise—that by filing their post-litigation motion (over which this Court lacks subject matter jurisdiction)—their deadline to perform was extended or eliminated. If there was any legal support for this unusual proposition, Defendants should have provided it.

Even now, Defendants do not contend that they deleted and destroyed all documents designated by Plaintiffs as Confidential. (*See generally*, Defs.' Opp'n.) Instead, they tell this Court

Filed in District Court
State of Minnesota
5/15/2026 10:14 PM

they are not obligated to perform. (*Id.* at 6.) This contention cannot be reconciled with Defendants' execution of altered affidavits after they recklessly filed more than 1,700 pages of Confidential Documents into this Court file.

Plaintiffs respectfully ask this Court to issue an order for Defendants to show cause, and following a hearing, an order holding Defendants in contempt, and awarding Plaintiffs their attorneys' fees incurred.

SUPPLEMENTAL PROCEDURAL HISTORY

Plaintiffs incorporate the procedural history in their Contempt Memorandum. (*Id.* at 2–6.) Plaintiffs supplement this procedural history to address the filings, and Defendants' factually unsupported contention that they "generally agreed to provide the certifications as requested prior to plaintiffs' filing their motion." (Defs.' Opp'n, at 1.)

On March 16, 2026, Plaintiffs reminded Defendants that "confidential documents are required to be deleted or destroyed within 60 days of the termination of the case." (Decl. of Cassandra Wolfgram (Doc. 591) ("Wolfgram Decl.") Ex. 003.) On March 19, 2026, Defendants replied that the Protective Order obligations were "not absolute" and contended it was "unquestionable" that they could bring an untimely post-litigation motion to amend that Protective Order and nullify their obligations. (*Id.* Ex. 004.)

On April 10, 2026, Plaintiffs expressly demanded that Defendants comply with the Protective Order, including deleting and destroying all documents designated as Confidential by Plaintiffs (the "Confidential Documents"), which were identified by a chart, and to execute the Affidavits of Compliance with Stipulation and Amended Protective Order (the "Compliance Affidavits"). (Wolfgram Decl. Ex. 005, at 15–17.) The Compliance Affidavits were limited to four paragraphs: (1) identification of the declarant as a defendant; (2) certification of compliance with Paragraph 11 of the Protective Order; (3) declaration of compliance with Paragraph 3 of the

Filed in District Court
State of Minnesota
5/15/2026 10:14 PM

Protective Order; and (4) declaration of understanding of Paragraph 14 of the Protective Order:

Protective Order Obligation	**Compliance Affidavit Certification**
11. Within 60 days of the termination of this action, including any appeals, each party shall take reasonable measures to delete or destroy all documents designated by the opposing party as "Confidential," including copies of such documents, and extracts and/or data taken from such documents. Each party, if requested by the opposing party, shall provide a certification of such reasonable measures within the 60-day period. However, Attorneys shall be entitled to retain a set of all documents filed with the Court, correspondence generated in connection with the action, and any attorney work product.	2. In accordance with the January 24, 2022 Stipulation and Amended Protection Order (the "Protective Order"), I have taken all reasonable measures to delete and destroy all documents designated as CONFIDENTIAL in **Exhibit A** (the "Confidential Documents'), including all copies of such documents and all extracts and/or data taken from them.
3. All Confidential documents, along with the information contained in the documents, shall be used solely for the purpose of this action and no person receiving such documents shall, directly or indirectly, use, transfer, disclose, or communicate in any way the documents or their contents to any person other than those specified in paragraph 4. Any other use is prohibited.	3. I have not, directly or indirectly, used, transferred, disclosed, or communicated any Confidential Documents, their contents, or any information contained in the Confidential Documents, to any person other than those specified in Paragraph 4 of the Protective Order.
14. The obligations imposed by the Protective Order shall survive the termination of this action. (*See also, id.* ¶¶ 3, 11.)	4. I understand my obligations under the Protective Order survive the termination of this case, and any use, transfer, disclosure, communication, or retention of the Confidential Documents, their contents, or information contained in the Confidential Documents, would be a violation of a court order and could subject me to sanctions.

(Wolfgram Decl. Ex. 001 ¶¶ 3, 11, 14; *c.f.* Ex. 005, at 18–20.)

Defendant Lisa Stevenson-Allen ("Lisa") executed her Compliance Affidavit. (Wolfgram Decl. Ex. 006.)

On April 21, 2026, Defendants refused to perform (and refused to justify that meritless

Filed in District Court
State of Minnesota
5/15/2026 10:14 PM

position) stating, "the obligations of paragraph 11 of the Protective Orders do not apply." (Wolfgram Decl. Ex. 007.) Instead of "generally agreeing" to perform (as now claimed), Defendants stated they would only comply with their obligations in paragraph 11 "following the Court's ruling on the pending motion." (*Id.*)

The 60-day deadline to comply ran by April 27, 2026, at the latest. On April 29, 2026, Plaintiffs again demanded that Defendants comply with the Protective Order, including by deleting and destroying all of the Confidential Documents, and executing Compliance Affidavits. (Wolfgram Decl. Ex. 008.) Plaintiffs provided a proposed agreement for handling the Confidential Documents. (*Id.*) Despite first demanding redesignation more than six weeks prior, Defendants had not provided any proposals for handling the Confidential Documents. (*See generally*, *id.* Exs. 002–005, 007–009). Instead, Defendants followed their litigation strategy, whereby either Plaintiffs acquiesce to Defendants' legally and factually unjustifiable demands, or be forced to respond to a frivolous motion, using judicial time and resources. (*See generally*, *id.* Exs. 002, 004, 007, 009.)

Defendants again refused to perform. (Wolfgram Decl. Ex. 009.) Contrary to Defendants' representations to the Court, they did not "generally agree" to complying with the Protective Order. (*See generally, id.*) In fact, Defendants contended that demanding they comply with their obligations under Paragraph 11 of the Protective Order Protective Order—which were now overdue—was "not made in good faith." (*Id.*) And counsel for Defendants indicated he could "speak with [his] clients" about a stipulation pending Defendants' Motion to Amend the Protective Order, which "could include all parties deleting the confidential documents and providing the appropriate certification." (*Id.* Ex. 009.)

Without providing legal support or analysis, Defendants further contended that "[a]ny

Filed in District Court
State of Minnesota
5/15/2026 10:14 PM

'suggestion' that there is no legitimate support for the challenge is illusory." (*Id.* Ex. 009; *c.f. id.* Ex. 005, at 2–5 (providing extensive case law contrary to Defendants' motion).)

On May 1, 2026, Defendants filed more than 1,700 pages of Confidential Documents into the Court record. (*See* Docs. 569–77, 582–88.) Presumably, Defendants—as parties to the action—received a copy of each of those Confidential Documents from their counsel, *after* the time had expired to delete and destroy those same documents. Defendants misrepresented to this Court that the Confidential Documents and court filings did not contain any "sensitive information, private personal information warranting protection, or any other content warranting protection." (Defs.' Mem. of Law in Supp. of Mot. to Am. Protective Order to Remove Confidential Designations (Doc. 579) ("Defs.' Protective Order Mem."), at 2.)

Yet the declaration, on its face, contradicted Defendants' contention. (*See* Decl. of Attorney Ross Tentinger (Doc. 577) ("Tentinger Decl.").) Defendants expressly sought to eliminate confidentiality from Confidential Documents, which Defendants described as including, but not limited, to: "psychiatric report," "psychological evaluation," and a medical report from Defendants' expert (Table 1, Doc. 398); petition for harassment restraining order (Table 2, Doc. 455); notes from third parties (Table 3.00555–69); Marie's journal entries (Table 3.00570–605); Marie's health information (Table 3.00606–13); "Medical records: Marie" (Table 3.01048–122); and "Medical records: Craig" (Table 3.01610–89), among others.

The Minnesota Rules of Court Access provide for non-public protections of court records. Medical records, including mental health, are not public. Minn. R. Ct. Access 4, subd. 1(f) (2025). Access to records of harassment restraining order proceedings is limited. *Id.* at subd. 1(a)(2). Case records that are inaccessible pursuant to court rules and court orders—including the Protective

Filed in District Court
State of Minnesota
5/15/2026 10:14 PM

Order in this case—are not public. *Id.* at subd. 1(v)(2)–(3).[1]

On May 1, 2026, Plaintiffs filed their Contempt Motion. (Plfs. Contempt Motion.) Subsequently, on May 5, 2026, Defendants represented they would "provide their certifications as provided for in clause 11 of the protective order" and requested certification from Plaintiffs. (Suppl. Decl. of Cassandra Wolfgram (Doc. 599) ("Suppl. Wolfgram Decl.") Ex. 012.) Plaintiffs executed their Compliance Affidavits, certifying all four paragraphs, just as Lisa did. (*Id.* Exs. 013–014.) Defendants, again, refused to execute that form. (*Id.* Ex. 012.) On May 6, 2026, Defendants provided altered certifications, which omitted the reference to the enclosed list of Confidential Documents, omitted a declaration that they complied with the obligations in Paragraph 3 of the Protective Order, and omitted the paragraph that they understood their obligations survive, consistent with Paragraph 14 of the Protective Order. (*Id.* Exs. 015–017.)

On May 8, Defendants filed their Opposition. In that Opposition, Defendants asserted they have "no enforceable obligation" to delete and destroy the Confidential Documents. (Defs. Opp'n, at 6.) Defendants do not actually contend that they *did* delete and destroy all Confidential Documents; they only contend they executed certifications. (*See generally*, *id.*) It appears Defendants falsely executed certifications they deleted and destroyed documents—under penalty of perjury.

Finally, on May 15, Defendants filed their Reply Memorandum in Support of their Motion to Amend the Protective Order ("Defs.' Reply"). Defendants' Reply failed to provide any precedential legal authorities for subject matter jurisdiction. (*See generally*, *id.*) Foreign

[1] Plaintiffs note that Defendants generally contend that Confidential Documents filed with the Court lose their confidential status. (*See generally*, Defs.' Mem. in Supp. of Mot. to Am. the Protective Order to Remove Confidential Designations (Doc. 579) ("Defs.' Mem."), at 19–20.) Under that theory, by filing their frivolous, post-litigation Motion to Amend the Protective Order, all Confidential Documents filed with that are public. This is contrary to the Minn. R. Ct. Access 4 (2025).

Filed in District Court
State of Minnesota
5/15/2026 10:14 PM

jurisdictions, and the Federal Rules, are irrelevant to this Court's subject matter jurisdiction.

Defendants did not provide any response about their misrepresentations to this Court that the Confidential Documents did not contain any "content warranting protection." (Plfs.' Mem. of Law in Opp'n to Mot. to Am. the Protective Order (Doc. 598) ("Plfs.' Opp'n"), at 7–8; *c.f.* Defs.' Reply.) Defendants did not address that the Minnesota Rules of Court Access provide for non-public designations. (Plfs.' Opp'n, at 8; *c.f.* Defs.' Reply.) Defendants provided no response to the law that "a post-decision motion to amend a pre-judgment order is not timely if filed after expiration of the 60-day period to appeal from the judgment." (Plfs.' Opp'n, at 10; *c.f.* Defs.' Reply.) Defendants did not deny they lacked any basis for relief pursuant to Rule 60. (Plfs.' Opp'n, at 11–12; *c.f.* Defs.' Reply.) Defendants do not dispute they forfeited any argument the Confidential Documents were not confidential. (Plfs.' Opp'n, at 12–13; *c.f.* Defs.' Reply.) Nor do Defendants even address *In re GlaxoSmithKline PLC*, 732 N.W.2d 257 (Minn. 2007), where the Minnesota Supreme Court rejected a similar attempt to remove designations. (Plfs.' Opp'n, at 14–15; *c.f.* Defs.' Reply.) Instead, Defendants are continuing to pursue a motion which lacks legal support.

Similar to their Opposition, Defendants again made contentions directly contradicted by the record. Contrary to the assertion by Defendants, Plaintiffs did not rest on their April 10, 2026 correspondence for the designations. (Defs.' Reply, at 10.) Plaintiffs provided this Court with 6 pages of designations, identifying the Confidential Documents by Bates label, with analysis. (Plfs.' Opp'n, at 16–22.) And Defendants incorrectly tell the Court Plaintiffs did not identify any harm. (Defs.' Reply, at 10.) The record contradicts this: Plaintiffs expressly stated they would be prejudiced and had relied upon representations by counsel of confidentiality. (Plfs.' Opp'n, at 22–23; *see also generally* Decl. of Craig Stevenson (Doc. 600); Suppl. Decl. of Marie Stevenson (Doc.

Filed in District Court
State of Minnesota
5/15/2026 10:14 PM

600).)

Further, Defendants filed additional Confidential Documents with the Court. (*See* Second Decl. of Ross Tentinger.) Those Confidential Documents, presumably, were again disclosed to Defendants and in their possession.

Based upon the recent filings, Plaintiffs are under the impression all the Confidential Documents filed with this Court on May 1, 2026 (and other copies of those Confidential Documents) are in Defendants' possession, along with videos Defendants seek to provide to this Court (*see* Doc. 578) and the Confidential Documents filed on May 15, 2026. All of those should have already been deleted and destroyed.

ARGUMENT

Defendants have refused to comply with a valid Court order. Plaintiffs are entitled to an order requiring Defendants to show cause, and after a hearing, an order finding them in contempt, and attorneys' fees.

I. DEFENDANTS HAVE NOT PROVIDED THIS COURT WITH ANY LEGAL OR FACTUAL AUTHORITY TO EXCUSE THEIR NON-PERFORMANCE OF A COURT ORDER.

Defendants refused to fulfil their obligations under the Protective Order. Now, Defendants provide this Court with their Opposition, which fails to meaningfully engage with the issues before this Court.

A. Defendants Do Not Provide Any Response to Plaintiffs' Legal Support.

Plaintiffs have explained that the case terminated upon entry of appellate judgment. (Plfs.' Mem. of Law in Supp. of Mot. for Order to Show Cause and for Contempt (Doc. 590) ("Plfs.' Contempt Mem."), at 6–8.) Defendants do not (and cannot) assert otherwise. (*See generally*, Defs.' Opp'n.) Defendants do not provide any response that their argument makes the obligations in the Protective Order meaningless and is an unreasonable interpretation of a valid, binding court order.

Filed in District Court
State of Minnesota
5/15/2026 10:14 PM

(Plfs.' Contempt Mem., at 7–8; *c.f.* Defs.' Opp'n.) They also do not deny this Court lacks subject matter jurisdiction over Defendants' post-litigation Motion to Amend the Protective Order (Doc. 566) ("Defendants' Motion to Amend the Protective Order"). (Plfs.' Contempt Mem., at 13; *c.f.* Defs.' Opp'n.)

B. Defendants Fail to Provide Any Legal Authorities—or Even Factual Reasons—for Their Non-Compliance with a Valid and Binding Court Order.

Nevertheless, without any legal support, Defendants make bare assertions that by filing their post-litigation motion, "no enforceable obligation requiring defendants to destroy the very materials whose designation they have asked the Court to review" existed. (Defs.' Opp'n, at 6.) If this argument was supported by law, Defendants should provide this Court with supporting authorities.

But the application of precedential case law forecloses Defendants' arguments. This Court has no subject matter jurisdiction to modify the Protective Order after the time for appeal. *See, e.g., Mingen v. Mingen*, 679 N.W.2d 724, 728 (Minn. 2004) ("a post-decision motion to amend a pre-judgment order is not timely if filed after expiration of the 60-day period to appeal from the judgment"). "[C]ourt orders are enforceable until held otherwise." *In re Disciplinary Action Against Ludescher*, 1 N.W.3d 433, 444 n.5 (Minn. 2023). And, an interpretation of the Protective Order, which would render Defendants' obligations to delete and destroy Confidential Documents meaningless is unreasonable. *See Electro-Craft Corp. v. Controlled Motion, Inc.*, 332 N.W.2d 890, 904 (Minn. 1983) (holding interpretation which "would render the injunction meaningless" was "unreasonable" and finding party who had failed to comply was in contempt). Defendants do not dispute this is their intention.

The fact that the Protective Order provided for challenges to confidentiality designation does not alter this analysis. Plaintiffs do not (and cannot) dispute that if Defendants brought a

Filed in District Court
State of Minnesota
5/15/2026 10:14 PM

motion timely, *i.e.*, prior to the Protective Order becoming final, this Court would have retained subject matter jurisdiction to address confidentiality designations. But this Court was divested of that authority when the Protective Order became final on August 15, 2023, and Defendants were divested of any right to challenge the designations.

C. Violation of a Court Order is Contempt.

If Defendants did not believe their court-ordered obligations were enforceable, Defendants could have sought guidance from this Court. *See, e.g., Halverson v. Halverson*, 381 N.W.2d 69, 71 (Minn. App. 1986) (noting district court retains jurisdiction for interpretation and clarification of judgments and orders). Defendants chose not to. The Minnesota Supreme Court previously held that a party who decided "to violate the injunction instead of seeking its modification demonstrated disrespect for an order of a court of this state," and that conduct constituted contempt. *Electro-Craft*, 332 N.W.2d at 904. Similarly, in this case, Defendants unilaterally determined this Court's Protective Order imposed "no enforceable obligation" upon Defendants. Only this Court—not Defendants—has the authority to interpret the Protective Order and determine whether an enforceable obligation exists (and it does). And, just like in *Electro-Craft*, Defendants' argument makes the obligations to delete and destroy Confidential Documents meaningless and incapable of enforcement. This is unreasonable and contrary to the intention of the parties and this Court.

II. DEFENDANTS' RECENT FILINGS RAISE MORE QUESTIONS THAN ANSWERS.

For more than two months, Plaintiffs have wondered—and expressly asked—why Defendants were demanding to remove confidentiality designations after the case had ended. In light of Defendants' filings, it appears Defendants seek to "redesignate" Confidential Documents to legitimize prior violations of the Protective Order.

On May 1, 2026, Defendants told this Court that it should, *post-litigation*, remove

Filed in District Court
State of Minnesota
5/15/2026 10:14 PM

confidentiality designations asserting there "is the substantial likelihood of future disputes between these parties over the use, disclosure, or perceived disclosure of materials that plaintiffs designated confidential during this case." (Defs.' Mem. of Law in Supp. of Mot. to Am. Protective Order and Remove Confidential Designations (Doc. 579) ("Defs.' Mem.").) That theory is nonsensical, unless Defendants violated the Protective Order and are making the motion to "get ahead of the problem."

If Defendants had not used, disclosed, transferred, or communicated the Confidential Documents, there would not be a "substantial likelihood of future disputes between these parties over the use, disclosure, or perceived disclosure of materials that plaintiffs designated confidential during this case." (Defs.' Mem., at 18.) If that were the reason, why did Defendants initiate an out-of-the-blue demand to redesignate thousands of pages of Confidential Documents in their Motion, years after summary judgment was entered? (Wolfgram Decl. Ex. 002.) There is no need for Confidential Documents to lose their court-order protections for "future disputes" unless Defendants are attempting to legitimize prior improper use and disclosure of Confidential Documents after the fact by erasing that designation.

If Defendants had a valid reason for this unprecedented post-appeal demand, they surely would have provided it. Plaintiffs asked Defendants for the bases of Defendants' unusual post-litigation request on March 16, 2026 and again on April 10, 2026. (Wolfgram Decl. Exs. 003, 005.) Defendants refused to provide any. (*See id.* Ex. 004, 007.) Plaintiffs expressly informed Defendants on April 29, 2026 that "[t]he absence of any articulated bases suggests there is no legitimate support for Defendants' position, but rather Defendants are attempting to avoid compliance with their stipulated court-ordered obligations." (*Id.* Ex. 008.) Without any analysis or support, Defendants claimed their lack of legal authorities was "illusory." (*Id.* Ex. 009.) Even now,

Filed in District Court
State of Minnesota
5/15/2026 10:14 PM

Defendants cannot explain their motion. (*See generally*, Defs.' Mem.; *see also* Defs.' Opp'n.) The lack of any articulated basis for this procedurally bizarre motion further suggests Defendants used, disclosed, transferred, or communicated the Confidential Documents.

In their April 10, 2026 correspondence, Plaintiffs expressly provided a preservation notice, informing Defendants to preserve any information relevant to improper use, disclosure, transfer, or communication of Confidential Documents. (Wolfgram Decl. Ex. 005, at 16.) Defendants did not acknowledge receipt. (*See id.* Ex. 007.) On April 29, 2026, Plaintiffs provided a second, more extensive preservation notice. (*Id.* Ex. 008.) Counsel for Defendants replied: "As for your preservation notice, your instructions are contradictory and impermissibly seek privileged information." (*Id.* Ex. 009.) The duty of preservation applies to relevant evidence. *Miller v. Lankow*, 801 N.W.2d 120, 128 (Minn. 2011). There would be no duty to preserve "privileged information" unless it was relevant to the improper use, disclosure, transfer, or communication of Confidential Documents.

Defendants expressly refused to delete and destroy Confidential Documents and refused to execute certifications that they followed the Protective Order. (Wolfgram Decl. Ex. 007, 009.) They did not "generally agree" to providing certifications; they expressly refused to comply. Without justification, Defendants contended "the obligations of paragraph 11 of the Protective Orders do not apply" and would only comply "following the Court's ruling on the pending motion." (*Id.* Ex. 007.) Defendants did not provide their altered certifications until after Plaintiffs filed their Contempt Motion. (Plfs.' Contempt Mot.; *c.f.* Suppl. Wolfgram Decl. Exs. 015–017.)

Notably, Defendants deleted the paragraph that they had not used, disclosed, transferred, or communicated any Confidential Documents. (*See* Suppl. Wolfgram Decl. Exs. 015–017; *c.f.* Wolfgram Decl. Ex. 005, at 18–20.) After Defendants obtained a hearing date to pursue their

Filed in District Court
State of Minnesota
5/15/2026 10:14 PM

Motion to Amend the Protective Order, Plaintiffs asked Defendants to identify all uses, disclosures, transfers, and communications of the Confidential Documents in violation of the Protective Order. (*Id.* Ex. 005, at 15–17.) Defendants did not make any contention they had complied with the Protective Order; they simply refused. (*Id.* Ex. 007.) If they had complied, Defendants surely would have said that.

Even now, Defendants also do not contend they actually *did* delete and destroy the Confidential Documents. (*See generally,* Defs.' Opp'n; *see also* Defs.' Reply.) They only tell this Court they executed certifications. (*See generally, id.* at 1 (stating Defendants "have now provided the requested certification").) Defendants did not execute any affidavits telling this Court—under oath—they complied and have not used, disclosed, transferred, or communicated the Confidential Documents. (*See generally*, Court Index.) Instead, Defendants rely solely on a bare contention they "did not unilaterally disclose confidential material and did not refuse to comply with a Court order." (Defs.' Opp'n, at 6.) "A conclusory, unsupported assertion is neither a well-pleaded fact nor is it evidence." *DeCook v. Olmsted Med. Ctr., Inc.*, 875 N.W.2d 263, 276 n.5 (Minn. 2016) (Dietzen, J., concurring in part). And while Plaintiffs directly addressed this in their Opposition to Defendants' legally deficient motion, Defendants still do not contend they complied with the Court's Protective Order. (*See generally*, Defs.' Reply.) In fact, they contend the opposite: Defendants refuse to comply. (*See generally, id.* at 18–19.) Either Defendants executed certifications truthfully that they deleted and destroyed the Confidential Documents, or Defendants need to "preserve" Confidential Documents. (*See id.*) It cannot be both.

Sean intentionally deleted evidence and then perjured himself under oath during the litigation. Sean's altered certification has little evidentiary weight. His silence, however, speaks volumes. The line Sean drew was not spoliating evidence. It was not perjury at a deposition. It was

Filed in District Court
State of Minnesota
5/15/2026 10:14 PM

not using, disclosing, transferring, or communicating Confidential Documents in violation of the Protective Order. The line Sean drew was declaring, under oath, he complied with the Protective Order, in a certification that he knew would be submitted to this Court.

Notably, Defendants executed those altered certifications *after* they filed more than 1,700 pages of Confidential Documents with this Court and intentionally removed the chart attached and reference to it. (*See* Docs. 569–77, 582–88; Suppl. Wolfgram Decl. Exs. 015–017; *c.f.* Wolfgram Decl. Ex. 005, at 18–20.) These altered certifications cannot be reconciled with Defendants' contentions they have "no enforceable obligation" to delete and destroy Confidential Documents and their production of thousands of pages to this Court. (*See* Suppl. Wolfgram Decl. Exs. 015–017; *c.f.* Defs.' Opp'n, at 6.)

So what did Defendants allegedly delete and destroy? Only Confidential Documents they did not seek to be "redesignated" in their improper Motion to Amend the Protective Order? Only the Confidential Documents produced in discovery, but not the confidential transcripts and court records? Only copies of the Confidential Documents in their possession *before* the May 1, 2026 filings with the Court, but not the copies filed with the Court? How did Defendants file 1,700 pages of Confidential Documents with this Court if they had been deleted and destroyed? If they had deleted and destroyed all Confidential Documents, extracts from them, and the information contained therein, they would not have removed the reference to the list. Or were Defendants' "reasonable measures" simply execution of the altered certifications because they deny having any obligation to comply?

If Defendants had complied with their obligations, why are they seeking to designate medical records as public? If Defendants had not used, disclosed, transferred, or communicated the Confidential Documents or their contents, why were they unable to declare they complied? If

Filed in District Court
State of Minnesota
5/15/2026 10:14 PM

Defendants had complied with their obligations, why would there be "privileged information" relevant to violations of the Protective Order?

All things considered, Plaintiffs cannot determine any basis for Defendants' Motion to Amend the Protective Order other than that Defendants used, disclosed, transferred, or communicated Plaintiffs' Confidential Documents, copies thereof, extracts from, or information contained therein, and are now seeking to legitimize their violations of this Court's Protective Order after-the-fact.

III. PLAINTIFFS ARE ENTITLED TO THE RELIEF REQUESTED.

There is no justification for Defendants' failure, or refusal, to comply with the Protective Order. Plaintiffs are entitled to the relief requested.

A. Defendants Should Be Ordered to Show Cause, and After a Hearing, This Court Should Find Defendants in Contempt.

Defendants do not dispute the procedure for civil contempt. (*See generally*, Defs.' Opp'n, at 4–7.) However, Defendants misstates what constitutes contempt. (*See id.* at 4.) Contrary to the representations of Defendants, there is no requirement for disobedience with a court order to be "flagrant" before it is contemptuous. (*See id.*) The statute has no intentionality requirements. Minn. Stat. § 588.01, subd. 3(3) (2025). Instead, contempt—occurring outside the presence of the court—"may arise from any of the following acts or omissions: … (3) disobedience of any lawful judgment, order, or process of the court". *Id.*

To be clear, Plaintiffs did not bring this Contempt Motion solely because Defendants did not provide a certification. (*See generally*, Plfs.' Contempt Mot.) As Plaintiffs explained, they sought an order compelling Defendants to delete and destroy the Confidential Documents (as designated on Exhibit A), including copies of such documents, and extracts and/or data taken from them, ***and*** to execute the Compliance Affidavits. (Plfs.' Contempt Mem., at 11.) Plaintiffs further

Filed in District Court
State of Minnesota
5/15/2026 10:14 PM

asked the Court for further relief to mitigate the harm from Defendants' disregard of the Protective Order, if Defendants could not declare under penalty of perjury they had not used, disclosed, transferred, or communicated the Confidential Documents. (*Id.* at 12–13.)

To date, the extent of compliance was execution of altered certifications, which, as Plaintiffs argued above, do not provide any clarity on what was deleted and destroyed, or whether Defendants have possession of the Confidential Documents filed with this Court (and presumably, the videos they sought to file into MNDES). And, contrary to Defendants' contention, they did not have a "28-hour deadline" to comply. (Defs.' Opp'n, at 6.) Plaintiffs had asked for Defendants to delete and destroy the Confidential Documents and execute the Compliance Affidavits originally on April 10, 2026, with a deadline of April 22, 2026. (Wolfgram Decl. Ex. 005, at 015–017.) It took Defendants 26 days to *partially* comply, and only after they repeatedly refused to do so. (Wolfgram Decl. Exs. 004–005, 007–009; Suppl. Wolfgram Decl. Exs. 012, 015–017.)

In this case, Defendants did not—and expressly refused to—delete and destroy Confidential Documents within 60 days after the case had terminated. (Wolfgram Decl. Exs. 004, 007, 009.) Defendants do not contend they actually did delete and destroy the Confidential Documents. (*See generally*, Defs.' Opp'n.)

Defendants did not declare, under oath, that they did not use, disclose, transfer, or communicate the Confidential Documents. (*See* Suppl. Wolfgram Decl. Exs. 015–017). In fact, Defendants used Confidential Documents—in Court filings—after the time to comply had run. (*See* Docs. 569–77, 582–88.) This cannot be reconciled with Defendants' altered certifications. If they had deleted and destroyed all Confidential Documents, the Confidential Documents could not have been provided to this Court. And if the Confidential Documents were provided to this Court, those filings—and copies of those Confidential Documents—were presumably *re-disclosed* to

Filed in District Court
State of Minnesota
5/15/2026 10:14 PM

Defendants. Finally, Defendants refused to acknowledge that their confidentiality obligations survive, suggesting they seek relief from the Protective Order to validate prior breaches, or worse, they never intended to comply.

Either way, Defendants' conduct constitutes contempt. Defendants' usage, disclosure, and transmission of the Confidential Documents into the Court record, more than 60 days after termination of the case, was a violation of the Protective Order. *See* Minn. Stat. § 588.01, subd. 3(3) (2025). Defendants failed to delete and destroy those Confidential Documents, instead retaining them, and then disclosed them in their frivolous Motion to Amend the Protective Order, which separately is a violation of the Protective Order. *Id.* Defendants did not timely execute any certifications, because they had not complied with the Protective Order, which is also contempt. *Id.* And if Defendants agreed to the Protective Order without intending to be bound to those same obligations, Defendants made false representations to this Court, which Plaintiffs, counsel, and this Court relied upon, and that is independently contemptuous. *Id.* at subd. 3(2) ("deceit or abuse of the process or proceedings of the court by a party to an action or special proceeding"), 3(7) ("any other unlawful interference with the process or proceedings of a court").

Defendants do not contest any of this. They simply tell this Court—without any legal authorities to support their argument—they had no obligation to perform. (*See generally*, Defs.' Opp'n.) This is insufficient. Defendants should be ordered to show cause why they should not be found in contempt, and following a hearing, the Court should find Defendants in contempt.

B. This Court Should Order Additional Relief to Mitigate the Harm from Defendants' Disobedience of the Protective Order.

Defendants do not dispute that additional relief is appropriate to mitigate harm from Defendants' disobedience of the Protective Order. (*See generally*, Defs.' Opp'n.) In fact, other than a bare contention, lacking any factual support, Defendants do not even contend they had not

Filed in District Court
State of Minnesota
5/15/2026 10:14 PM

violated their confidentiality obligations. (*See id.* at 6.) That unsupported sentence lacks evidentiary value. *See DeCook*, 875 N.W.2d at 276 n.5 (Dietzen, J., concurring in part). And if it were true, Defendants would have said that in communications, they would have declared they had complied with Paragraph 3, and there would not be any "privileged information" relevant to violations of confidentiality.

As Plaintiffs noted, the Confidential Documents contain, among other confidential information, personally identifiable health information, protected from disclosure by federal and state law. *See, e.g.* 42 U.S.C. § 1320d *et seq.*; Minn. Stat. §§ 144.291–.298 (2025). The Minnesota Health Records Act is more expansive and applies to all persons, not just those subject to HIPAA. Minn. Stat. § 144.291, subd. 2(1) (2025). Defendants cannot declare, under penalty of perjury, they complied with the confidentiality obligations and refuse to identify the disclosures. Without this Court enforcing its Protective Order, Plaintiffs cannot mitigate the harm already done.

This Court's subject matter jurisdiction extends to enforcement of its orders. *Johns v. Harborage I, Ltd.*, 664 N.w.2d 291, 296 (Minn. 2003). Consistent with that authority, Plaintiffs are entitled to relief to mitigate the harm caused by Defendants' disobedience of this Court's Protective Order, and request the Court order the relief requested to identify and cease all unlawful uses, disclosures, transfers, and communications of the Protective Order.

C. Plaintiffs Are Entitled to an Award of Their Costs and Attorneys' Fees Incurred for Enforcement of This Court's Protective Order, and for Any Necessary Remediation of Violations of the Protective Order.

Defendants do not (and cannot) dispute that Plaintiffs are entitled to attorneys' fees for Defendants' contemptuous conduct and that attorneys' fees are an injury or loss due to non-compliance with a court order. (*See generally*, Defs.' Opp'n.) In accordance with the legal authorities, Plaintiffs are entitled to attorneys' fees incurred related to the contempt and mitigation of the harm caused by Defendants' disobedience. *See, e.g., Hanson v. Thom*, 636 N.W.2d 591, 593

Filed in District Court
State of Minnesota
5/15/2026 10:14 PM

(Minn. App. 2001); *Westgor v. Grimm*, 381 N.W.2d 877, 880 (Minn. App. 1986); Minn. Stat. § 588.11 (2025).

CONCLUSION

For the reasons above, and those in their Contempt Memorandum and Opposition to Defendants' Motion to Amend the Protective Order, Plaintiffs ask this Court to issue an order for Defendants to show cause and for contempt and to grant Plaintiffs the requested relief.

Dated: May 15, 2026

DOUGHERTY, MOLENDA, SOLFEST, HILLS & BAUER P.A.

s/ Cassandra C. Wolfgram
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ACKNOWLEDGEMENT

The parties above-named represented by the undersigned, hereby acknowledge that sanctions may be imposed pursuant to Minn. Stat. § 549.211.

s/ Cassandra C. Wolfgram
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