Filed in District Court
State of Minnesota
07/01/2026

STATE OF MINNESOTA **IN DISTRICT COURT**

COUNTY OF OTTER TAIL **SEVENTH JUDICIAL DISTRICT**

Precision Locating, LLC and Arvig Enterprises, Inc.,

Plaintiffs,

ORDER DENYING MOTION TO DISMISS CLAIMS FOR LACK OF DAMAGES

vs.

Martin D. Starkebaum,

Defendant.

Court File No. 56-CV-25-198

The above-entitled matter came before the Honorable Kevin M. Miller, Judge of District Court, on April 6, 2026, for a motion hearing at the Otter Tail County Courthouse in Fergus Falls, Minnesota. Kurt Erickson, Esq., and Collin Abress, Esq., appeared on behalf of Plaintiffs Precision Locating, LLC and Arvig Enterprises, Inc. Lauren Meder, Arvig representative, appeared. V. John Ella, Esq., and Zachary Hennen, Esq., appeared on behalf of and with Defendant Martin Starkebaum.

Based on the arguments of counsel and all the files, records, and proceedings herein, the Court makes the following:

Findings of Fact and Conclusions of Law

1. On December 4, 2025, Defendant filed a memorandum of law in support of motion to dismiss claims for lack of damages.

2. On December 19, 2025, Defendant filed a memorandum of law in opposition to Defendant's motion to dismiss claims for lack of damages.

3. The issues in this case revolve around a Facebook post written by an anonymous user on

a page called “The Cable Vine” stating, “Seems that Percision Locating / Arvig of Minnesota . Like to hire pedophiles/rapist…while they locate school fibers . ..Google there names Richard Jenkins jr , Derek Schmidt , Matthew Guthmiller”.

4. The anonymous user who made the Facebook post has been determined to be Christopher Mayen. However, Plaintiffs have alleged that Defendant caused Mr. Mayen to make the anonymous post regarding Plaintiffs in “The Cable Vine” group.

5. In their amended complaint, Plaintiffs have asserted a breach of contract, breach of duty of loyalty, defamation *per se*, and defamation.

6. Defendant has utilized a motion in limine to request dismissal of Plaintiffs’ claims for lack of damages as a dispositive motion.

7. The Court finds the motion to dismiss Plaintiffs’ claims for lack of damages is not a motion in limine but is a dispositive motion and would have been more appropriately addressed through a motion for summary judgment.

8. The deadline for filing dispositive motions in this matter was August 31, 2025. Therefore, the deadline for filing a dispositive motion is past.

9. However, when it is time to discuss jury instructions in preparation for trial, Plaintiffs will need to identify damages for the Court, as the Court does not believe that a jury trial must be held to find out Plaintiffs have no identifiable damages.

Based on the above Findings of Fact and Conclusions of Law, the Court makes the following:

Order

1. The motion to dismiss claims for lack of damages is hereby **denied**.

Dated: July 1, 2026

By the Court:

Kevin M. Miller
Judge of District Court

MINNESOTA JUDICIAL BRANCH