

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF ITASCA

NINTH JUDICIAL DISTRICT

Case Type: Other Civil
(Consumer Protection)State of Minnesota, by its Attorney General,
Keith Ellison,

Court File No. _____

Plaintiff,

COMPLAINT

vs.

North Star Ranch, LLC

Defendant.

The State of Minnesota, by its Attorney General, Keith Ellison, for its Complaint against Defendant North Star Ranch, LLC (hereinafter, “North Star Ranch”) alleges as follows:

INTRODUCTION

1. In response to the ongoing COVID-19 pandemic, on March 13, 2020, Governor Tim Walz declared a peacetime emergency, which was most recently extended until at least through August 12, 2020, pursuant to Executive Order 20-78. In order to slow “community spread” of COVID-19 and thereby protect public health and safety, on June 5, 2020, Governor Walz issued Executive Order 20-74, which continued the process of safely reopening the economy, while at the same time minimizing risks to public health. As part of Executive Order 20-74, Governor Walz ordered that public accommodation venues providing outdoor events, entertainment, or recreation—which includes outdoor rodeo events—“may open to the general public only in accordance with industry guidance available on the Stay Safe Minnesota website (<https://staysafe.mn.gov>).” In turn, the relevant industry guidance for safely reopening seated

outdoor recreational entertainment venues—such as outdoor rodeos—requires that such venues, among other things:

- a) Limit occupant capacity to no greater than 25% capacity, not to exceed 250 attendees;
- b) Require advanced reservations and/or ticketing and do not allow walk-ins, impromptu purchases or admittance;
- c) Conduct a COVID-19 screening survey for attendees immediately prior to their entry into the venue;
- d) Provide for reserved and assigned seating to manage attendance capacity and social distancing;
- e) Ensure seats are assigned, marked, and staggered to provide proper social-distancing and separation between attendees, or household groups;
- f) Assign ushers, monitors, and/or security personnel to monitor social distancing, as well as support the orderly seating and unseating to maintain social distancing and minimize congestion;
- g) Install plastic partitions between workers and visitors at merchandise and information areas;
- h) Avoid performance-related demonstrations and activities that involve interaction between workers and attendees that conflict with social-distancing practices;
- i) Ensure social distancing is maintained at all times between each household group (of no more than six people) or “pod;” and
- j) Do not allow attendees to linger or socialize in common areas, including around food and other vendors.

2. Despite being aware of these requirements, which have the force and effect of law during the peacetime emergency, North Star Ranch extended, offered, and made available to the public its annual North Star Stampede rodeo on July 24 through 26 on its ranch in Effie. This rodeo typically draws hundreds of attendees from across Minnesota and the country to view and participate in the rodeo each year. North Star Ranch allowed and encouraged far more than 250

individuals to attend the rodeo events each day, without enacting required limitations and precautions, in clear violation of Executive Order 20-74. North Star Ranch further allowed attendees to enter the venue without first completing a COVID-19 screening survey. The company also failed to require advanced ticketing or reservations to the rodeo and instead, permitted attendees to walk-in to the event on an impromptu basis throughout the weekend. North Star Ranch did not reserve, assign, or stagger seating in its bleachers around the rodeo's dirt arena, nor did it take steps to ensure social distancing between household groups were maintained at all times during the rodeo. As a result, individuals and household groups that attended the rodeo did not maintain appropriate social distancing of six feet. Attendees further lingered, socialized, and did not adhere to social distancing in the venue's common areas and when waiting in line for food or other vendors. Unsurprisingly, given the global-pandemic that has been raging for months, the State has learned that at least one attendee—who subsequently tested positive for COVID-19—attended the rodeo on at least July 25 and 26 while they were infectious.

3. North Star Ranch claimed its rodeo would “take place with no spectators,” yet it allowed and encouraged hundreds of attendees to enter its rodeo-event venue on July 24, 25, and 26, congregate in the bleachers, and watch each day's rodeo competitions without regard to the required industry guidance. North Star Ranch collected “donations” and sold attendees a program of the rodeo's events. Attendees observed rodeo events, cheered for rodeo participants, and were entertained by a rodeo clown hired by North Star Ranch throughout each day. Indeed, one attendee stated after the first day of the rodeo that: “Everyone just gave [North Star Ranch] a ‘donation’ and sat and watched the rodeo like always.”

4. Emergency Executive Order 20-74's restrictions on large outdoor events, entertainment, and recreation such as North Star Ranch's rodeo event are necessary to protect public health and safety during the ongoing COVID-19 pandemic. COVID-19 is easily transmissible and deadly. Large events where individuals congregate for extended periods present substantial public health risks and are particularly fertile environments for the community spread of COVID-19. Because North Star Ranch knowingly dismissed these risks and disregarded restrictions established to protect the public's health and safety, Attorney General Keith Ellison brings this action to enforce Executive Order 20-74, and to recover applicable remedies for the repeated violations committed by North Star Ranch.

PARTIES

5. Keith Ellison, the Attorney General of the State of Minnesota, is authorized under Minnesota Statutes chapter 8 and has common law authority, including *parens patriae* authority, to bring this action to enforce Executive Order 20-74, to vindicate the State's sovereign and quasi-sovereign interests, and to remediate all harm arising out of—and obtain full relief for—violations of Executive Order 20-74.

6. The North Star Ranch, LLC is a Minnesota limited liability company located at 68270 County Road 5, Effie, Minnesota 56639. The owner, president, and manager of North Star Ranch is Cimarron Pitzen who resides at 38315 State Highway 1, Effie, Minnesota 56639.

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction over this action pursuant to Minnesota Statutes sections 8.01, 8.31, Executive Order 20-74, and under common law.

8. This Court has personal jurisdiction over Defendant because it has violated Executive Order 20-74, thereby causing or threatening to cause injury to the public health and safety of Minnesota residents.

9. Venue in Itasca County is proper under Minnesota Statutes section 542.09 because the Defendant is located in Itasca County and the cause of action arose in Itasca County.

FACTUAL BACKGROUND

I. THE COVID-19 PANDEMIC IS AN ONGOING PUBLIC HEALTH EMERGENCY, WHICH HAS REQUIRED MINNESOTA TO TAKE ACTION TO PROTECT PUBLIC HEALTH AND SAFETY.

10. Minnesota's fight against the COVID-19 virus represents one of the greatest public health emergencies this state has handled in its 162-year history. In part, the magnitude of Minnesota's response has been in reaction to the uniquely virulent characteristics of the disease: In one study, researchers found that a single infected person likely spread the virus to 53 other people during the course of a single choir rehearsal. As of July 31, 2020, current positive cases in Minnesota total 54,463. Minnesota is fighting the infection, but the virus continues to spread and the need for emergency preventative measures remains in order to protect public health and safety.

11. COVID-19 kills people. In Minnesota alone, as of July 31, 2020, COVID-19 has already caused at least 1,600 deaths—12 of which have occurred in Itasca County.

12. Large public gatherings for entertainment purposes continue to pose major health risks during this pandemic. Such events can result in "super-spreading events" that fuel the exponential growth of COVID-19 infections. For example, according to one report, the county of Heinsberg became a center of the COVID-19 epidemic in Germany after a large number of

people took part in a traditional carnival.¹ One study of the infection rate stemming from this carnival event found that 15.5% of the 919 individuals evaluated in the study tested positive for COVID-19, which was a rate of infection that was “5-fold higher than the number officially reported cases for this community (3.1%).”² Similarly, a crowded outdoor soccer match in the Bergamo region of Italy resulted in an explosion of COVID-19 cases.³

13. Minnesota has had success in keeping its infection rate and mortality count relatively lower than some other areas, in part through its swift and decisive response in restricting large gatherings, including large outdoor recreational events such as Defendant’s rodeo. Minnesota’s attempts to slow the spread of COVID-19 are an attempt to protect the health and safety of its residents. These efforts have been deemed necessary by the Governor, including in Itasca County.

14. On March 13, 2020, Governor Tim Walz declared a peacetime emergency as a result of the COVID-19 pandemic. At its emergency meeting on March 16, the Executive Council of the State of Minnesota approved the peacetime emergency to protect Minnesotans from COVID-19. The peacetime emergency was most recently extended and approved by the Executive Council until at least through August 12, 2020, pursuant to Executive Order 20-78.

15. In order to protect public health and safety by slowing the “community spread” of COVID-19, and at the same time safely re-open Minnesota’s economy, on June 5, 2020,

¹ Bojan Pancevski, *Superspreader Events Offer a Clue on Curbing Coronavirus*, WALL STREET JOURNAL (ONLINE) (May 24, 2020).

² Hendrik Streeck, et al., *Infection Fatality Rate of SARS-CoV-2 Infection In a German Community With a Super-Spreading Event*, MedRxiv.org (May 4, 2020), available at <https://perma.cc/Z7NG-VTV9>.

³ Joshua Robinson, *The Soccer Match that Kicked Off Italy’s Coronavirus Disaster*, WALL STREET JOURNAL (ONLINE) (April 1, 2020).

Governor Walz issued Executive Order 20-74. Executive Order 20-74 recognized that “certain establishments including “those in which people gather and linger” continue to “pose a public health risk,” and that “[l]arge social gatherings for extended time periods increase the risk of transmission between households.”

16. As a result, Executive Order 20-74 provided that public accommodation venues providing outdoor events, entertainment, or recreation—such as Defendant’s outdoor rodeo event—“may open to the general public only in accordance with industry guidance available on the Stay Safe Minnesota website (<https://staysafe.mn.gov>).”

17. The industry guidance available on the Stay Safe Minnesota website applicable to seated outdoor entertainment venues is entitled: “Preparedness Plan Requirements Guidance – Seated Entertainment & Meetings” (<https://staysafe.mn.gov/industry-guidance/entertainment.jsp>) (hereinafter “Required Industry Guidance”).⁴ This Required Industry Guidance requires, in part, that seated outdoor events, recreation, or entertainment venues must:

- a) Limit occupant capacity to no greater than 25% capacity, not to exceed 250 attendees;
- b) Require advanced reservations and/or ticketing and do not allow walk-ins, impromptu purchases or admittance;
- c) Conduct a COVID-19 screening survey for attendees immediately prior to their entry into the venue;
- d) Provide for reserved and assigned seating to manage attendance capacity and social distancing;
- e) Ensure seats are assigned, marked, and staggered to provide proper social-distancing and separation between attendees, or household groups;

⁴ Also available at: <https://perma.cc/5NA5-HC5E>.

- f) Assign ushers, monitors, and/or security personnel to monitor social distancing, as well as support the orderly seating and unseating to maintain social distancing and minimize congestion;
- g) Install plastic partitions between workers and visitors at merchandise and information areas;
- h) Avoid performance-related demonstrations and activities that involve interaction between workers and attendees that conflict with social-distancing practices;
- i) Ensure social distancing is maintained at all times between each household group (of no more than six people) or “pod;” and
- j) Do not allow attendees to linger or socialize in common areas, including around food and other vendors.

18. Executive Order 20-74 was promulgated by the Governor under the authority of Minnesota Statutes section 12.21, subdivision 3, clause (1), was approved by the Executive Council, and filed in the Office of the Secretary of State. Thus, pursuant to Minnesota Statutes section 12.32, Executive Order 20-74 has “the full force and effect of law” during the peacetime emergency. Moreover, Executive Order 20-74 authorizes the Attorney General to enforce its provisions and seek any relief available pursuant to Minnesota Statutes section 8.31, “including civil penalties up to \$25,000 per occurrence from businesses and injunctive relief.” Moreover, “any business owner, manager, or supervisor who requires or encourages any of their employees, contractors, vendors, volunteers, or interns to violate [Executive Order 20-74] is guilty of a gross misdemeanor and upon conviction must be punished by a fine not to exceed \$3,000 or by imprisonment for not more than a year.”

II. THE NORTH STAR RANCH AND ITS ANNUAL “NORTH STAR STAMPEDE” RODEO.

19. North Star Ranch owns and operates a ranch located at 68270 County Road 5, Effie, Minnesota 56639. Effie is a small town, which had a population of 123 at the time of the 2010 census. Cimarron Pitzen is the owner, president, and manager of North Star Ranch.

20. A rodeo arena is situated on the ranch. The arena area is enclosed by a fence and Mr. Pitzen has represented to the Attorney General’s Office that the size of this fenced-in rodeo-event venue area is approximately 60,000 square feet. There are entrances into this fenced area on the southeast and southwest sides of the rodeo-event venue. In the middle of the event grounds there is a large oval, dirt arena, with approximately seven sets of bleachers situated around the dirt arena. Six chutes for rodeo participants’ entry into the dirt arena are located at the north end of the fenced arena area. There are also pens located at the south end of the dirt arena.

21. Below is a Google maps satellite image⁵ of the North Star Ranch’s fenced-in rodeo-event venue:

⁵ Google Map data: Imagery © 2020 CNES / Airbus, Landsat / Copernicus, Maxar Technologies, USDA Farm Service Agency, Map data © 2020, *available at:* <https://www.google.com/maps/place/North+Star+Rodeo/@47.873513,93.6482178,3567m/data=!3m1!1e3!4m5!3m4!1s0x52ba4f8d8312a9f1:0x66d779adbac2cb2!8m2!3d47.873832!4d93.634488?hl=en>. (also available at: <https://perma.cc/P9HR-MV33>).



22. North Star Ranch extends, offers, sells, or otherwise makes available to the public an annual rodeo, called the “North Star Stampede” in its fenced-in rodeo-event venue during the last full weekend in July each summer. North Star Ranch represents that its annual “North Star Stampede” is “Minnesota’s Largest Open Rodeo.”

23. North Star Ranch represents that participants in the rodeo come from “throughout the United States” to “compete for trophies and prize money.” For example, according to the program being sold by North Star Ranch inside its rodeo-event venue, participants in the rodeo’s events have hailed from Oklahoma, Montana, Nebraska, North Dakota, South Dakota, Iowa, Wisconsin, as well as from cities throughout Minnesota.

24. In 2020, the North Star Ranch’s “North Star Stampede” rodeo was scheduled to take place July 24, 25, and 26.

A. Defendant's Pre-Event Discussions with the Attorney General's Office.

25. On July 22, Assistant Attorney General Jason Pleggenkuhle and John Olson from the Minnesota Department of Health contacted Mr. Pitzen to learn more about North Star Ranch's planned rodeo event and to confirm that North Star Ranch had implemented and was following the requirements of Executive Order 20-74 and Required Industry Guidance for seated outdoor recreational events applicable to its rodeo event.

26. During the call, Mr. Pitzen represented that he expected approximately 1,000 individuals to attend the rodeo and explained that they would sit in the bleachers that surround the dirt arena. Mr. Pitzen stated that while he would encourage social distancing, it would be incumbent on the attendees themselves to ensure social distancing was maintained. Mr. Pitzen further stated that he had not sold tickets in advance, and instead would only be selling tickets at the two entrances into the fenced rodeo-event area during each day of the rodeo event.

27. While the State's representatives attempted to discuss the requirements of Executive Order 20-74 with him, Mr. Pitzen grew angry, began shouting obscenities, stated he would put North Star Ranch's rodeo on without any spectators, and then hung up the phone.

28. Later that same day, Mr. Pitzen stated the following on the "North Star Stampede, Effie MN" public Facebook webpage:



29. The next day, July 23, 2020, Assistant Attorney General Jason Pleggenkuhle left Mr. Pitzen a voicemail, requesting a return call to further discuss Mr. Pitzen's plans for the impending North Star Stampede rodeo. Mr. Pitzen did not return the call.

30. That same day, July 23, 2020, Assistant Attorney General Jason Pleggenkuhle emailed Mr. Pitzen a letter again explaining that North Star Ranch must comply with the requirements of Executive Order 20-74 and the Required Industry Guidance with respect to its North Star Stampede rodeo event. The letter requested written confirmation that North Star Ranch would so comply. Neither Mr. Pitzen nor anyone else on behalf of North Star Ranch has responded to this letter.

B. Day One of the 2020 North Star Stampede Rodeo (July 24, 2020).

31. The first day of the 2020 North Star Stampede rodeo began at 5:00 p.m. on July 24, 2020.

32. North Star Ranch performed no COVID-19 screening surveys of attendees immediately prior to their entry into the fenced-in rodeo-event venue.

33. North Star Ranch provided no advanced reservations or ticketing for the rodeo event. Instead, attendees were free to walk-in to the event on an impromptu basis through either one of the two entrances to the fenced-in rodeo-event venue.

34. While North Star Ranch did not charge for entry into the event, an individual inside the event was collecting donations on behalf of North Star Ranch. A sign outside of the venue near the southwest entrance also stated: "Free will donations. Feed the livestock."

35. North Star Ranch did not provide attendees with reserved or assigned seating in the arena bleachers, but instead allowed attendees to sit, stand, wander, and commingle however they pleased.

36. North Star Ranch made no effort to segment the rodeo-event venue into distinct and independent “Sections” as described in pages 14-15 of the Required Industry Guidance. Instead, attendees were free to wander the fenced-in rodeo-event venue grounds, move among the bleachers, and commingle.

37. Except for several small areas near the bucking chutes that were taped off, North Star Ranch’s arena bleachers were not assigned or marked in any way to promote social distancing between household groups. Moreover, the small taped off areas did not result in social distancing between attendees because attendees sat directly next to each other on either side of the tape. Seating was also not staggered to ensure attendees were not seated directly next to, in front of, or behind other attendees. In addition, no staff or personnel associated with North Star Ranch were monitoring or supporting the orderly seating and unseating of attendees to maintain social distancing and minimize congestion.

38. As a result, North Star Ranch failed to ensure that attendees and household groups were at all times maintaining appropriate social distancing during the day’s rodeo events. Examples of inappropriate social distancing practices allowed by North Star Ranch during the day include:





39. North Star Ranch also allowed attendees to linger and socialize in the common areas, including food and other vendors, that were within the fenced-in rodeo-event venue. For example, attendees were waiting in lines to purchase food from food vendors without maintaining adequate social distancing.

40. North Star Ranch also failed to limit occupant capacity to the day's rodeo events to no more than 250 attendees.

41. In fact, far more than 250 attendees were present and observing the rodeo's events on July 24, 2020. According to one news report, "thousands showed up" to attend the North Star Stampede rodeo throughout the weekend.⁶

42. The rodeo events for the day ended at approximately 7:40 p.m. North Star Ranch then allowed attendees to exit the venue through the only two exits in an unorganized fashion. Because of the limited space to exit, bottlenecks formed near the two exits and social distancing between attendees and household groups was not maintained as attendees exited the venue.

43. While North Star Ranch failed to take required precautions to protect attendees from the transmission of COVID-19 in violation of Executive Order 20-74, it nevertheless

⁶ Mara Klecker, *Thousands Attended Effie Rodeo, Despite Crowd Restrictions*, STAR TRIBUNE (July 27, 2020), available at: <https://perma.cc/PXW4-WF9U>.

advertised its event as a rodeo and attempted to shield itself from liability by placing the following sign at the rodeo-event venue's entrance:



C. Day Two of the 2020 North Star Stampede Rodeo (July 25, 2020).

44. The second day of the 2020 North Star Stampede Rodeo began at 2:00 p.m. on July 25, 2020.

45. Again, North Star Ranch performed no COVID-19 screening surveys of attendees before they entered the fenced-in rodeo-event venue nor did North Star Ranch provide advanced reservations or ticketing. Instead, attendees were again free to walk into the rodeo-event venue on an impromptu basis, as well as provide a donation. Individuals were also selling event programs on behalf of North Star Ranch. North Star Ranch did not install plastic partitions between its workers and the attendees at the table where it was selling these programs.

46. North Star Ranch did not provide attendees with reserved or assigned seating in the bleachers surrounding the dirt arena and North Star Ranch did not assign or mark the bleachers in any way (except for a small area near the bucking chutes) to promote social distancing. North Star Ranch also did not stagger seating in the bleachers to ensure attendees were not seated directly next to, in front of, or behind other attendees. North Star Ranch did not

segment the rodeo-event venue into distinct and independent “Sections” as described in pages 14-15 of the Required Industry Guidance.

47. As a result, just as during the first day of the event, North Star Ranch allowed attendees to sit, stand, wander, and commingle throughout the fenced-in rodeo-event venue without restriction. This resulted in attendees and household groups not practicing appropriate social distancing during the day’s rodeo events. For example:





48. North Star Ranch again allowed attendees to linger, socialize, and commingle in the common areas of the venue, including in the area where food and other vendors were located.

49. North Star Ranch also continued to fail to limit occupant capacity to the day's rodeo events to no more than 250 attendees.

50. North Star Ranch also allowed the rodeo clown it hired to interact with multiple attendees in a manner that conflicted with appropriate social-distancing practices, including by interacting with and handing water to attendees near the dirt arena.

51. On July 25, 2020, there were far more than 250 attendees present and observing the rodeo's events. Indeed, according to one news report, "thousands showed up" to attend the North Star Stampede rodeo throughout the weekend.⁷

⁷ Mara Klecker, *Thousands Attended Effie Rodeo, Despite Crowd Restrictions*, STAR TRIBUNE (July 27, 2020), available at: <https://perma.cc/PXW4-WF9U>.

52. The rodeo events ended on July 25 at approximately 4:35 p.m. North Star Ranch then allowed attendees to exit through the only two exits in an unorganized fashion. This again resulted in bottlenecking and inadequate social distancing between attendees and household groups:



D. Day Three of the 2020 North Star Stampede Rodeo (July 26, 2020).

53. The final day of the 2020 North Star Stampede rodeo began at 2:00 p.m. on July 26, 2020.

54. Consistent with the previous two days, North Star Ranch conducted no COVID-19 screening surveys of attendees before they entered the rodeo-event venue, nor did North Star Ranch limit entry to advanced reservation or ticketholders. Instead, attendees entered the rodeo-event venue without restriction and on an impromptu basis. Again, North Star Ranch accepted donations and sold programs (without any installed plastic partition) near the rodeo-event venue's entrance.

55. Throughout the day, North Star Ranch allowed the rodeo clown it hired to entertain attendees to enter various portions of the bleachers in order to take "selfie" pictures

with multiple attendees, which was an activity that conflicted with appropriate social-distancing practices.

56. North Star Ranch did not establish or maintain reserved, assigned, or staggered seating in the bleachers, nor mark the bleachers in any way to promote social distancing (except for a small taped area near the bucking chutes). North Star Ranch also did not establish distinct and independent “Sections” of the rodeo-event venue as described in pages 14-15 of the Required Industry Guidance.

57. The attendees sitting in the bleachers and watching the rodeo events therefore were free to commingle and move around the venue at their leisure and were often not appropriately socially distanced. For example:





58. Attendees again lingered and socialized in the common areas of the rodeo-event venue and attendees waited in vendor lines without appropriate social distancing being encouraged or maintained by North Star Ranch.

59. North Star Ranch also again failed to limit occupant capacity to no more than 250 attendees.

60. On July 26, 2020, there were far more than 250 attendees present and observing the rodeo's events together. Indeed, according to one news report, "thousands showed up" to attend the North Star Stampede rodeo throughout the weekend.⁸

61. The rodeo events concluded at approximately 4:20 p.m. on July 26, 2020.

62. Although Mr. Pitzen claimed the North Star Stampede rodeo would "take place with no spectators," the many attendees that entered the rodeo-event venue on July 24, 25, and

⁸ Mara Klecker, *Thousands Attended Effie Rodeo, Despite Crowd Restrictions*, STAR TRIBUNE (July 27, 2020), available at: <https://perma.cc/PXW4-WF9U>.

26 congregated in the bleachers surrounding the dirt arena and watched each day's rodeo competitions. For example, the attendees observed rodeo events, cheered for rodeo participants, and were entertained by a rodeo clown hired by North Star Ranch throughout each day. Indeed, when someone asked "How did everything go today?" after the first day of the rodeo on the "North Star Stampede, Effie MN" public Facebook webpage, an attendee responded:



63. The participants in the 2020 North Star Stampede rodeo alone came from seven different states (Wisconsin, South Dakota, Iowa, Montana, Oklahoma, North Dakota, and Nebraska) as well as forty-four different Minnesota counties—including COVID-19 hot-spots such as Stearns and Hennepin counties, which have experienced thousands of positive COVID-19 cases. Indeed, several days after the North Star Stampede rodeo concluded, the State learned that an individual from a neighboring County tested positive for COVID-19. The individual had attended the North Star Ranch's rodeo on at least July 25 and 26, while they were infectious.

COUNT I
VIOLATION OF EMERGENCY EXECUTIVE ORDER 20-74

1. Plaintiff re-alleges all prior paragraphs of this Complaint.
2. Section 7.c. of Executive Order 20-74 provides in relevant part:

c. Places of Public Accommodation. Places of Public Accommodation are subject to the following requirements and limitations:

...

x. Venues (including racetracks) providing outdoor events, entertainment, or recreation, paintball, go-karts, mini-golf, and amusement parks may open to the general public only in accordance with industry guidance available on the Stay Safe Minnesota website (<https://staysafe.mn.gov>).

3. Defendant's North Star Stampede rodeo-event venue is a "Place of Public Accommodation" as defined by Executive Order 20-74 section 5.f.

4. The industry guidance available on the Stay Safe Minnesota website applicable to seated outdoor entertainment venues is entitled: "Preparedness Plan Requirements Guidance – Seated Entertainment & Meetings" (<https://staysafe.mn.gov/industry-guidance/entertainment.jsp>) ("Required Industry Guidance").⁹

5. The Required Industry Guidance is applicable to Defendant's 2020 North Star Stampede rodeo-event venue because Defendant's rodeo event constituted a seated outdoor event, entertainment, and/or recreation.

6. The Required Industry Guidance required Defendant, among other things, to:
- a) Limit occupant capacity to no greater than 25% capacity, not to exceed 250 attendees;
 - b) Require advanced reservations and/or ticketing and do not allow walk-ins, impromptu purchases or admittance;
 - c) Conduct a COVID-19 screening survey for attendees immediately prior to their entry into the venue;
 - d) Provide for reserved and assigned seating to manage attendance capacity and social distancing;
 - e) Ensure seats are assigned, marked, and staggered to provide proper social-distancing and separation between attendees, or household groups;

⁹ Also available at: <https://perma.cc/5NA5-HC5E>.

- f) Assign ushers, monitors, and/or security personnel to monitor social distancing, as well as support the orderly seating and unseating to maintain social distancing and minimize congestion;
- g) Install plastic partitions between workers and visitors at merchandise and information areas;
- h) Avoid performance-related demonstrations and activities that involve interaction between workers and attendees that conflict with social-distancing practices;
- i) Ensure social distancing is maintained at all times between each household group (of no more than six people) or “pod;” and
- j) Do not allow attendees to linger or socialize in common areas, including around food and other vendors.

7. The “Sections” portion of the Required Industry Guidance is not applicable to Defendant’s rodeo-event venue because, among other reasons, Defendant failed to establish assigned “sections” of the rodeo arena that maintained “their own distinct and independent entrances and exits, assigned seating areas, concessions, restrooms, and merchandising;” as well as failed to “prevent the patrons within an assigned Section from entering into other Sections and/or co-mingling with the patrons from other Sections.”

8. During Defendant’s North Star Stampede outdoor rodeo event on July 24, 25, and 26, Defendant has repeatedly violated Executive Order 20-74, by engaging in the conduct described in this Complaint. Such violations include but are not limited to, for example:

- a) Failing to limit occupant capacity to no greater than 25% capacity, not to exceed 250 attendees at Defendant’s rodeo-event venue on July 24, 25, and 26;
- b) Failing to require advanced reservations and/or ticketing as well as allowing walk-ins, impromptu purchases or admittance to Defendant’s rodeo-event venue on July 24, 25, and 26;
- c) Failing to conduct a COVID-19 screening survey for attendees immediately prior to their entry into Defendant’s rodeo-event venue on July 24, 25, and 26;

- d) Failing to provide for reserved or assigned seating in the bleachers of Defendant's rodeo-event venue on July 24, 25, and 26 in order to manage attendance capacity and ensure social distancing;
 - e) Failing on July 24, 25, and 26 to ensure seats in the bleachers of Defendant's rodeo-event venue are assigned, marked, and staggered to provide proper social-distancing and separation between attendees or household groups;
 - f) Failing to assign ushers, monitors, and/or security personnel to monitor social distancing, as well as support the orderly seating and unseating of attendees at Defendant's rodeo-event venue on July 24, 25, and 26, in order to maintain proper social distancing and minimize congestion;
 - g) Failing to install plastic partitions between Defendant's workers and attendees at the merchandise and/or information counters where Defendant was selling programs;
 - h) Allowing the rodeo clown Defendant's hired to engage in demonstrations and activities, including entering multiple sections of the bleachers to take pictures with attendees that conflict with social-distancing practices;
 - i) Failing to ensure social distancing is maintained at all times between each household group (of no more than six people) or "pod" attending Defendant's rodeo-event venue on July 24, 25, and 26; and
 - j) Allowing attendees to linger or socialize in common areas, including around food and other vendors at Defendant's rodeo-event venue on July 24, 25, and 26.
9. Defendant's conduct, practices, and actions described in this Complaint constitute multiple, separate violations of Executive Order 20-74.

PRAYER FOR RELIEF

WHEREFORE, the State of Minnesota, by its Attorney General, Keith Ellison, respectfully asks this Court to award judgment against Defendant as follows:

- 1. Declaring that Defendant's actions, as set forth above, constitute multiple, separate violations of Executive Order 20-74;
- 2. Enjoining Defendant and its employees, officers, directors, agents, successors, assignees, affiliates, merged or acquired predecessors, parents or controlling entities,

subsidiaries, and all other persons acting in concert or participation with them, from engaging in any conduct in violation of Executive Order 20-74 or any future Executive Orders relating to outdoor events, entertainment, or recreation;

3. Awarding judgment against Defendant for restitution, disgorgement, and/or damages to the State under the *parens patriae* doctrine, the general equitable powers of this Court, Minnesota Statutes section 8.31, and any other authority, for all violations described in this Complaint;

4. Awarding judgment against Defendant for civil penalties of up to \$25,000 pursuant to Minnesota Statutes section 8.31, subdivision 3, and 645.24, for each separate violation of Executive Order 20-74;

5. Awarding the State of Minnesota its costs, including litigation costs, costs of investigation, and attorneys' fees, as authorized by Minnesota Statutes section 8.31, subdivision 3a; and

6. Granting such further relief as provided by law or equity or as the Court deems appropriate and just.

Dated: July 31, 2020

KEITH ELLISON
Attorney General
State of Minnesota

JAMES W. CANADAY
Deputy Attorney General

/s/ Jason Pleggenkuhle
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MINN. STAT. § 549.211 ACKNOWLEDGMENT

The party on whose behalf the attached document is served acknowledges through its undersigned counsel that sanctions, including reasonable attorney fees and other expenses, may be awarded to the opposite party or parties pursuant to Minn. Stat. § 549.211.

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