

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF BLUE EARTH

FIFTH JUDICIAL DISTRICT

State of Minnesota, by the
Minnesota Department of
Agriculture, and Thom Peterson in
his Official Capacity as the
Commissioner of the Department of
Agriculture,

Case Type: Civil

Court File No: 07-CV-26-2640

Plaintiff,

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER FOR EX PARTE
TEMPORARY RESTRAINING
ORDER**

vs.

Donata J. Klingel (a/k/a Donata J.
Adam)¹, James R. Adam, and any
other residents of 125 W. Lewis
Street

Defendants.

This matter came before the Honorable Andrea J. Lieser, Judge of the District Court, on July 1, 2026, without hearing on the ex parte motion for a temporary restraining order of Commissioner Thom Petersen, in his Official Capacity as Commissioner of the Department of Agriculture.

¹ It appears that Defendant Donata Klingel likely now goes by the married name of Donata Adam, but the record available to MDA and the Court are not entirely clear on this issue.

Assistant Attorney Generals Oliver Larson, Christina Carolan and Philip Pulitzer have appeared for the Minnesota Pollution Control Agency. The Defendants have not yet appeared.

In ruling on the request for entry of an ex parte temporary restraining order, the Court reviewed: (1) the complaint; (2) The Commissioner's motion and supporting memorandum; (3) the Declarations of Nathan Rolling, Connie Rockvan, and Samantha Maranell in support of the Commissioner's motion; (4) the Declaration of Assistant Attorney General Oliver Larson concerning the Commissioner's inability to establish contact with the defendants in connection with this motion.

Based on these submissions, and pursuant to Rule of Civil Procedure 65.01, the Court resolves the motion as follows:

FINDINGS OF FACT

1. Defendants reside at a residence located at 125 West Lewis Street in Mankato, Minnesota, in Blue Earth County (the "Property").
2. The Department of Agriculture ("MDA") regulates the use of pesticides in Minnesota, including rodenticides.
3. The record of evidence establishes that Defendants have placed rodenticide bait blocks adjacent to the public sidewalk and their home, without the use of a bait station. A bait station is an enclosure that allows targeted

rodents to enter the bait station, while keeping the rodenticide inaccessible to dogs, wildlife, and children.

4. The Defendants have also placed signs outside their home which reflect an animus towards dogs, apparently triggered by dogs urinating on the Defendants' gardens along the public sidewalk.

5. At least one dog has consumed the open rodenticide block bait, requiring the dog's owners to induce vomiting.

6. Neighbors have documented the presence of rodenticide block bait at the Property on June 26 and June 27, 2026.

7. In response to a complaint filed on June 27, 2026, an MDA inspector visited the Property on June 29, 2026. He observed a person believed to be Donata Adam enter the home and he spoke with a person believed to be Defendant James Adam. The MDA inspector attempted to explain the purpose of his visit, which was to investigate the reports of open rodenticide at the Property. Defendant James Adam stated that he would not cooperate, and there was nothing to discuss.

8. The MDA inspector observed open rodenticide not secure in bait stations inside the fence line of the Property.

9. Substantial irreparable harm may come to the public, dogs, and wildlife if the Defendants' improper use of rodenticides is not enjoined.

CONCLUSIONS OF LAW

1. Minnesota law prohibits the use of rodenticides in outdoor, above ground areas without the use of a bait station. This is a requirement of federal and state law implemented through federal labeling requirements.

2. Defendants have violated Minnesota Statutes, Section 18B.07, subd. 2 by using rodenticides in a manner prohibited by label by placing rodenticide bait blocks in outdoor areas next to sidewalks, without the use of a bait station.

3. The Commissioner has the authority to seek injunctions prohibiting the improper use of rodenticides. Violations of Section 18B.07 may be enjoined pursuant to Minnesota Statutes, Section 18D.301.

4. The Commissioner is entitled to injunctive relief in the form of a temporary restraining order until such time as proceedings for a temporary injunction may be heard.

5. “The amount of security required on a temporary injunction is within the trial court’s discretion and may be waived entirely if appropriate.” *Howe v. Howe*, 384 N.W.2d 541, 546 (Minn. Ct. App. 1986) (citing *Bio-Line, Inc. v. Wilfley*, 366 N.W.2d 662, 665 (Minn. Ct. App. 1985), pet. for rev. denied, (Minn. June 27, 1985)).

ORDER

Based on the Court’s findings and conclusions, **IT IS ORDERED:**

1. Defendants are ordered to cease any use of rodenticides in any outdoor area of the Property.

2. Defendants are ordered to gather all rodenticide present in the outdoor areas of the Property and place them in a sealed container inside the home on the Property.

3. Defendants are ordered to file a letter with the Court within 3 days of receipt of this Order certifying that they have complied with the above conditions 1 and 2 of this order.

4. Defendants are ordered to secure and maintain any still existing packaging or labels for any rodenticide they possess, and are prohibited from destroying any such packaging or labels.

5. Upon 24 hours notice, Defendants are ordered to allow an MDA inspector to inspect the exterior portion of the Property and produce any rodenticide packaging or labels for examination. Within 3 days of receipt of this order, defendant shall provide counsel for MDA with a suitable means of contacting them by phone or e-mail for purposes of notice. The Defendants may provide this notice by contacting Mr. Oliver Larson at 651.757.1265, or at olier.larson@ag.state.mn.us. In the event Defendants secure counsel, they shall have their counsel provide their contact information to Mr. Larson for MDA use.

6. The MDA will not be required to post a security bond in this case at this time.

7. A hearing on converting the temporary restraining order to a temporary injunction will be scheduled on a date determined by the court after service is effectuated on all the parties.

BY THE COURT

Dated: _____

Andrea J. Lieser
Judge of District Court

MEMORANDUM

FIFRA and Minnesota Statutes, Section 18B.07 (“Section 18B.07”) prohibit the open placement of rodenticide bait blocks, requiring that bait blocks instead be placed in enclosed bait stations to prevent the ingestion of bait blocks by children, domestic animals and non-targeted wildlife.

Commissioner Peterson is charged with enforcement of Section 18B.07.

Violations of Section 18B.07 may be enjoined pursuant to Minnesota Statutes, Section 18D.30. Section 18D.301 allows the Commissioner to initiate suit in district court to obtain injunctive relief to prevent illegal uses of rodenticides. Minn. Stat. § 18D.301, subds. 1, 3, 4

The Defendants’ violations of applicable statutes are identified and traced as follows:

- State law provides that a “person may not use, store, handle, distribute, or dispose of a pesticide, . . . in a manner: (1) that is inconsistent with a label or labeling as defined by FIFRA.” Minn. Stat. § 18B.07, subd. 2(a); *see also* Minn. Stat. § 18B.07, subd. 1.
- Pesticides are defined to include rodenticides. Minn. Stat. § 18B.01, subds. 17, 18.
- FIFRA rodenticide labels prohibit the outdoor, above ground use of rodenticides unless the rodenticide is placed into bait stations that are resistant to destruction by dogs. (Rolling Dec. Ex. 10.)
- FIFRA rodenticide labels also prohibit application of rodenticides in locations within the reach of children, pets, domestic animals, and non-target wildlife. (Rolling Dec. Ex. 10.)

- Defendants placed rodenticide bait blocks in outdoor, above-ground locations adjacent to public sidewalks. (Rockvan Dec. ¶ 2; Maranell Dec. ¶ 2.)
- State law authorizes the Commissioner to file civil actions and seek injunctions to enjoin illegal uses of pesticides. Minn. Stat. § 18D.301, subds. 3, 4.

The Defendants' conduct presents an egregious, willful violation of public safety regulations that should be immediately enjoined. Minnesota courts have broad discretion to grant a temporary restraining order. *Carl Bolander & Sons Co. v. City of Minneapolis*, 502 N.W.2d 203, 209 (Minn. 1993); *Metro. Sports Facilities Comm'n v. Minn. Twins P'ship*, 638 N.W.2d 214, 220 (Minn. Ct. App. 2002). Here, the Defendants are intentionally deploying rodenticide in violation of federal and State law, in a manner that endangers the public, dogs, and wildlife, requiring the entry of a temporary restraining order until this matter may be heard for entry of a temporary injunction.

Injunctions are generally considered to be an equitable remedy, but they also may be provided by statute. The latter is at issue here. Where a statute provides for injunctive relief as a remedy, a court is not required to apply the normal *Dahlberg* multi-factor analysis in determining whether to issue an injunction. *State v. Minnesota School of Business, Inc.*, 899 N.W.2d 467, 471–72 (Minn. 2017). A State agency is also not required to make a showing of irreparable harm. *Minnesota School of Business*, 899 N.W.2d at

472. Elected officials, appointed state officers, and other state employees are not required to give and file surety bonds or fidelity bonds. Minn. Stat.

574.205. *See also Howe v. Howe*, 384 N.W.2d at 546. Here, however, one dog has already encountered and consumed the poison, and the dangers of open access to rat poison for dogs, wildlife, and children is obvious – and risks harms that are irreparable.

Even if the Court applies the *Dahlberg* Factors, the Commissioner has met the burden required for a TRO. Under *Dahlberg*, courts consider five factors: (1) the likelihood of success on the merits; (2) the nature and relationship of the parties; (3) the balance of relative harm between the parties; (4) public policy considerations; and (5) any administrative burden involving judicial supervision and enforcement. *Dahlberg Bros., Inc. v. Ford Motor Co.*, 137 N.W.2d 314, 321-22 (Minn. 1965). Each of these factors supports issuance of the temporary injunction.

A. The Commissioner is Likely to Succeed on the Merits.

As set forth above, federal and state law unambiguously preclude a person from placing rodenticide *anywhere* in an outdoor, above ground area without the use of a bait station. The evidence establishes that the Defendants did exactly that. Their violations are even more egregious because it appears that the very point of their placement of bait blocks adjacent to a city sidewalk was to poison dogs.

B. The Nature and Relationship of the Parties.

For purposes of a temporary injunction, the relationship of the parties is typically a material factor in a court's analysis only where there is an existing contractual or other relationship between the parties that will be disrupted in the *absence* of an injunction. *See e.g. Pac. Equip. & Irrigation v. Toro, Co.*, 519 N.W.2d 911 (Minn. Ct. App. 1994). The classic example is the one seen in *Pacific Equipment* – where a manufacturer was seeking to terminate a distributor agreement that constituted a substantial portion of the distributor's business. *Id.* at 913. This factor is fundamentally tied to the idea of preserving the status quo where the disruption of the status quo would in and of itself either cause harm or effectively resolve the case as a practical matter before a final judgment can be entered. Here, there is no relationship between the Commissioner and the Defendants that needs to be preserved. The factor is either irrelevant, or favors issuing the TRO.

C. The Balance of Harms, and Public Policy Considerations Favor the Commissioner.

The Defendants are placing rat poison next to a public sidewalk for the purpose of poisoning dogs. The laws they are breaking are designed to prevent that exact thing – the poisoning of dogs and other non-target animals – even where it is not the intent of the person placing the rodenticide. Put another way, even if the Defendants misunderstood the risks of rat poison,

and had legitimate concerns with the presence of rodents, the balance of harms and public policy would favor a TRO. Here – where the very purpose of the misconduct is to harm dogs, the factor weighs overwhelmingly in favor of the Commissioner.

D. There is No Material Administrative Burden Involving Judicial Supervision and Enforcement.

The relief the Commissioner is seeking is easy to understand and implement and this factor favors entry of a temporary restraining order.