

## CHAPTER 554

### FREE SPEECH; PARTICIPATION IN GOVERNMENT

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#### 554.01 DEFINITIONS.

Subdivision 1. **Scope.** The definitions in this section apply to this chapter.

Subd. 2. **Government.** "Government" includes a branch, department, agency, official, employee, agent, or other person with authority to act on behalf of the federal government, this state, or any political subdivision of this state, including municipalities and their boards, commissions, and departments, or other public authority.

Subd. 3. **Judicial claim; claim.** "Judicial claim" or "claim" includes any civil lawsuit, cause of action, claim, cross-claim, counterclaim, or other judicial pleading or filing seeking damages for an alleged injury. "Judicial claim" does not include a claim solely for injunctive relief.

Subd. 4. **Motion.** "Motion" includes any motion to dismiss, motion for summary judgment, or any other judicial pleading filed to dispose of a judicial claim.

Subd. 5. **Moving party.** "Moving party" means any person on whose behalf the motion described in section 554.02, subdivision 1, is filed seeking dismissal of an action under this chapter.

Subd. 6. **Public participation.** "Public participation" means speech or lawful conduct that is genuinely aimed in whole or in part at procuring favorable government action, including but not limited to:

- (1) seeking assistance from, or reporting suspected unlawful conduct to, law enforcement;
- (2) speaking before a zoning board regarding a real estate development project;
- (3) communicating with an elected official concerning a change in law;
- (4) demonstrating peacefully for or against a government action; and
- (5) filing a complaint with a government entity regarding safety, sexual harassment, civil rights, or equal employment rights.

Subd. 7. **Responding party.** "Responding party" means any person against whom a motion described in section 554.02, subdivision 1, is filed.

**History:** 1994 c 566 s 1; 2015 c 49 s 1

#### 554.02 PROTECTION OF CITIZENS TO PARTICIPATE IN GOVERNMENT.

Subdivision 1. **Applicability.** This section applies to any motion in a judicial proceeding to dispose of a judicial claim on the grounds that the claim materially relates to an act of the moving party that involves public participation.

Subd. 2. **Procedure.** On the filing of any motion described in subdivision 1:

(1) discovery must be suspended pending the final disposition of the motion, including any appeal; provided that the court may, on motion and after a hearing and for good cause shown, order that specified and limited discovery be conducted;

(2) the responding party has the burden of proof, of going forward with the evidence, and of persuasion on the motion;

(3) the court shall grant the motion and dismiss the judicial claim unless the court finds that the responding party has produced clear and convincing evidence that the acts of the moving party are not immunized from liability under section 554.03; and

(4) any governmental body to which the moving party's acts were directed or the attorney general's office may intervene in, defend, or otherwise support the moving party.

**History:** 1994 c 566 s 2

**NOTE:** This section was found unconstitutional as applied to claims at law alleging torts in *Leindecker v. Asian Women United of Minnesota*, 895 N.W.2d 623 (Minn. 2017).

### 554.03 IMMUNITY.

Lawful conduct or speech that is genuinely aimed in whole or in part at procuring favorable government action is immune from liability, unless the conduct or speech constitutes a tort or a violation of a person's constitutional rights.

**History:** 1994 c 566 s 3

### 554.04 FEES AND DAMAGES.

Subdivision 1. **Attorney fees and costs.** The court shall award a moving party who prevails in a motion under this chapter reasonable attorney fees and costs associated with the bringing of the motion.

Subd. 2. **Damages.** (a) A moving party may petition the court for damages under this section in conjunction with a motion under this chapter.

(b) If a motion under this chapter is granted and the moving party demonstrates that the respondent brought the cause of action in the underlying lawsuit for the purpose of harassment, to inhibit the moving party's public participation, to interfere with the moving party's exercise of protected constitutional rights, or otherwise wrongfully injure the moving party, the court shall award the moving party actual damages. The court may award the moving party punitive damages under section 549.20. A motion to amend the pleadings under section 549.191 is not required under this section, but the claim for punitive damages must meet all other requirements of section 549.191.

**History:** 1994 c 566 s 4; 1995 c 186 s 98

### 554.045 ACTION IN DISTRICT COURT.

A person may bring an action under this section in state district court against a respondent who has brought a claim in federal court that materially relates to public participation by the person. If the person demonstrates that the respondent's action in federal court was brought for the purpose of harassment, to inhibit the person's public participation, to interfere with the person's exercise of protected constitutional

rights, or otherwise wrongfully injure the person, the court shall award the person actual damages and reasonable attorney fees and costs. The court may award the person punitive damages under section 549.20.

**History:** *1997 c 209 s 1*

#### **554.05 RELATIONSHIPS TO OTHER LAW.**

Nothing in this chapter limits or precludes any rights the moving party or responding party may have under any other constitutional, statutory, case, or common law, or rule. Nothing in this chapter exempts individuals from their professional obligations of confidentiality.

**History:** *1994 c 566 s 5; 2015 c 49 s 2*

#### **554.06 RULE OF CONSTRUCTION.**

This chapter shall be construed liberally to effectuate its purposes and intent.

**History:** *2015 c 49 s 3*