

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Amy Elizabeth Krekelberg,

Civil No. 13-3562 (DWF/TNL)

Plaintiff,

v.

**ORDER**

Anoka County, et al.,

Defendants.

This case relates to the alleged access of Plaintiff Amy Elizabeth Krekelberg's personal information by various government entities and their employees in violation of the Driver's Privacy Protection Act, 18 U.S.C. § 2721, *et seq.* ("DPPA"). On August 19, 2016, the Court issued a Memorandum Opinion and Order (Doc. No. 246) granting in part and denying in part various motions to dismiss filed by Minneapolis police officers (Doc. Nos. 172, 186, 189, 196, 217, 222, 224). The Court held that Krekelberg's Amended Complaint does not relate back under Federal Rule of Civil Procedure 15(c), and thus, the statute of limitations bars claims against individual Defendants to the extent such claims relate to alleged lookups that occurred before June 16, 2011. (Doc. No. 246 at 17.)

On August 31, 2016, the Court issued an Order (Doc. No. 250) directing any individual defendant who wished to move for dismissal of claims against him or her, based on the Court's August 19, 2016 ruling, to file a letter brief no later than September 16, 2016. This matter is now before the Court on the letter briefs filed by the

following individual Defendants (the “Moving Defendants”): Matthew Koncar, Joshua Lynaugh, and Tong Yang<sup>1</sup> (Doc. No. 247); Keith Rowland<sup>2</sup> (Doc. No. 248); Taylor Arneson,<sup>3</sup> Paul Frakie, Jarrod Guy, Cameron Clark Gustafson, Bryan Anderson, Maia Gardner, Dennis Kim, Michael Parkos, and Thomas Roth (Doc. No. 249); James Psyck (Doc. No. 251); and Charles Luedtke (Doc. No. 252). Krekelberg has responded to the letter briefs and opposes dismissal of claims against the Moving Defendants. (Doc. Nos. 254, 255.)

For the reasons discussed in the Court’s August 19, 2016 Memorandum Opinion and Order, the Court dismisses the claims against the Moving Defendants who submitted letter briefs pursuant to the Court’s August 31, 2016 Order to the extent such claims relate to lookups that occurred prior to June 16, 2011. Based on the records attached to the Amended Complaint, only two of the Moving Defendants conducted lookups on or after June 16, 2011: Keith Rowland and Taylor Arneson. Accordingly, the Court will dismiss the remaining Moving Defendants from this litigation.

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<sup>1</sup> In the letter brief filed by Defendants Koncar, Lynaugh, and Yang (Doc. No. 247), Defendant City of St. Paul also moves to dismiss claims against it.

<sup>2</sup> Defendant Rowland requests that claims against him be dismissed only to the extent that they relate to lookups that occurred prior to June 16, 2011. (Doc. No. 248.)

<sup>3</sup> Defendant Arneson requests that claims against him be dismissed only to the extent that they relate to lookups that occurred prior to June 16, 2011. (Doc. No. 249.)

In addition, because the August 19, 2016 Memorandum Opinion and Order did not discuss claims against entity Defendants, the Court will not dismiss claims against the City of St. Paul or any other entity Defendant.

### **ORDER**

Based on the files, record, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The motion to dismiss filed by Defendants Matthew Koncar, Joshua Lynaugh, Tong Yang, and the City of St. Paul, reflected in their letter brief (Doc. No. [247]), is **GRANTED IN PART AND DENIED IN PART** as follows:

a. The motion is **GRANTED** to the extent that it requests dismissal of Krekelberg's DPPA claims against Matthew Koncar, Joshua Lynaugh, and Tong Yang. Such claims are **DISMISSED WITH PREJUDICE**.

b. The motion is **DENIED** to the extent that it requests dismissal of claims against the City of St. Paul.

2. The motions to dismiss filed by Defendants Keith Rowland, Taylor Arneson, Paul Frakie, Jarrod Guy, Cameron Clark Gustafson, Bryan Anderson, Maia Gardner, Dennis Kim, Michael Parkos, Thomas Roth, James Psyck, and Charles Luedtke, as reflected in their letter briefs (Doc. Nos. [248], [249], [251], [252]), are **GRANTED**. As such, Krekelberg's DPPA claims against these Defendants that relate to lookups that occurred before June 16, 2011, are **DISMISSED WITH PREJUDICE**.

3. The following Defendants are **DISMISSED** from this lawsuit: Matthew Koncar, Joshua Lynaugh, Tong Yang, Paul Frakie, Jarrod Guy, Cameron Clark Gustafson, Bryan Anderson, Maia Gardner, Dennis Kim, Michael Parkos, Thomas Roth, James Psyck, and Charles Luedtke.

4. The following Defendants remain in this lawsuit: Anoka County, City of Coon Rapids, City of Minneapolis, Minneapolis Park & Recreation Board, City of Roseville, City of St. Paul, Travis Wold, Taylor Arneson, Robert Goodsell, Keith Rowland, Mark Swanson, John Wurm, Tyrone Barze, Aaron Collins, David Elliott, Mark Gasior, Daniel Horn, Oscar Macias, Matthew Olson, Heather Jorge, Patrick Windus, and Matthew McLean.

Dated: October 3, 2016

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge