

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

Rebeccah Thompson,

Complainant,

vs.

Naomi Wilson,

Respondent.

**ORDER RESCINDING SUBPOENAS,  
DENYING MOTION TO QUASH  
SUBPOENAS, AND DENYING MOTION  
FOR SANCTIONS**

On May 23, 2025, third-party subpoena recipients John Edwards and Taylor Dahlin (Movants) filed a motion seeking an order quashing their subpoenas (Motion to Quash) and an order imposing sanctions (Motion for Sanctions) against Rebeccah Thompson (Complainant). The motion record closed on June 9, 2025<sup>1</sup> upon the filing of Complainant's response to the Motion to Quash and Motion for Sanctions (Response) and correspondence filed by Complainant.

Complainant appears on her own behalf without legal counsel. No appearance has been made on behalf of John/Jane Doe (Respondent).<sup>2</sup> Movants are represented by Daniel P. Suitor, Nichols Kaster, PLLP.

Based upon the record, and for the reasons set forth in the attached Memorandum,

**IT IS HEREBY ORDERED:**

1. Subpoenas issued on May 13, 2025 compelling production of documents by Movants are **RESCINDED** per Complainant's June 9, 2025 correspondence withdrawing the subpoenas.<sup>3</sup>
2. The Motion to Quash is **DENIED** as moot.
3. The Motion for Sanctions is **DENIED**.

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<sup>1</sup> The Response was received by the Office of Administrative Hearings June 7, 2025. June 7, 2025 was a Saturday. Thus, the effective date of the filing is June 9, 2025, the next working day.

<sup>2</sup> The Notice of Determination of Prima Facie Violation and Prehearing Conference (Prima Facie Determination) issued on April 24, 2025 allowed this matter to proceed with a then-unidentified John/Jane Doe Respondent. Complainant's June 9, 2025 correspondence indicates that Complainant has now identified Respondent. On June 10, 2025, Complainant filed an amendment to her complaint identifying the Respondent (Amended Complaint).

<sup>3</sup> All other subpoenas issued in this proceeding remain valid.

4. Based on the Amended Complaint, Naomi Wilson is recognized as the respondent in this matter. Future filings shall be served on Ms. Wilson and shall use the case name as appears in the caption in this Order.

5. A prehearing conference is scheduled for **June 30, 2025 at 3:30 p.m.** The prehearing conference will be held by telephone, and the parties must call in for the conference. Parties should be prepared to discuss the logistics for the evidentiary hearing in this matter on July 1, 2025 including, if necessary, rescheduling the evidentiary hearing. At the appointed time, the parties are directed to do the following:

a. Dial telephone **651-395-7448**, and, when prompted,

b. Enter the Conference Code **887 712 209#**

6. A hearing in this matter is scheduled to be held at the Office of Administrative Hearings, 600 North Robert Street, St. Paul, Minnesota 55101, **July 1, 2025**, beginning at **9:30 a.m.**<sup>4</sup>

7. The recently identified Respondent was not a party to scheduling decisions for the prehearing conference and evidentiary hearing. If Respondent is unavailable on either of those dates, they should file correspondence using the procedures described below, including availability for alternate dates. All filings with the Office of Administrative Hearings shall be served on all parties to this proceeding.

8. By **4:30 p.m. on June 26, 2025**, the parties shall exchange and file with this Office their proposed pre-labeled exhibits, an index of the proposed exhibits, and their witness lists. See Minn. R. 1400.6950 (2023). Complainant shall label their exhibits sequentially using numbers 1 through 99. Respondent shall label their exhibits sequentially beginning with the number 100.

9. Any document filed with the Office of Administrative Hearings, or which a party wishes to make part of the record in this matter, may be filed with the Office of Administrative Hearings in any one of the following ways: (1) **by eFiling** through the Office of Administrative Hearings' eFiling system at <http://mn.gov/oah/forms-and-filing/efiling/>; (2) **by mail**; (3) **by fax**; or (4) **by personal delivery**. See Minn. Stat. § 14.58 (2024); Minn. R. 1400.5550, subp. 5 (2023). Filings are effective on the date the Office of Administrative Hearings receives the filing. See Minn. R. 1400.5550, subp. 5, .5500 J, Q (2023). Although all four filing methods are accepted, the parties are encouraged to utilize eFiling when possible.

Dated: June 12, 2025



JOSEPH C. MEYER  
Presiding Administrative Law Judge

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<sup>4</sup> Notice of the prehearing conference and evidentiary hearing was provided in previous orders of this tribunal. This information is provided here for the convenience of Respondent who was recently identified.

## MEMORANDUM

This matter began as a complaint brought pursuant to Minn Stat. § 211B.32 (2024) (Complaint). While the Complaint alleged a variety of claims against two named parties and an unidentified John/Jane Doe respondent, all claims were dismissed by the Prima Facie Determination except a single claim alleging that the John/Jane Doe Respondent violated Minn. Stat. §§ 211B.04 (2024) by failing to include a mandated disclaimer on campaign material including, relevant to the Request, a website with the address <https://voteforbecka.com> (Vote for Becka Website). The Complaint alleged that, despite the website address's implications, it was not created by or with the knowledge or authorization of, Complainant.<sup>5</sup>

The remaining alleged violation was allowed to proceed against an unidentified respondent, but Complainant was instructed that she must identify the respondent and amend the Complaint accordingly.<sup>6</sup> In pursuit of fulfilling this obligation, Complainant filed a request for four subpoenas for production of documents directed against Movants and two other entities on May 7, 2025. These subpoenas were issued, albeit with modifications, on May 13, 2025.

On May 23, 2025, Movants filed their Motion to Quash and Motion for Sanctions.<sup>7</sup> On June 9, 2025, Complainant filed the Response opposing both the Motion to Quash and Motion for Sanctions. Also on June 9, 2025, Complainant filed correspondence indicating that she had identified the owners or registrants of the Vote for Becka Website and was therefore withdrawing her request for subpoenas directed at Movants.

At Complainant's request, the subpoenas compelling Movants to produce documents are hereby **RESCINDED**. Because Movants are no longer under obligation to respond to subpoenas, the Motion to Quash is **DENIED** as moot.

The Motion for Sanctions seeks an order imposing monetary sanctions in the form of attorney's fees and lost earnings for Movants. Movants cite Minn. R. Civ. 45.03(a) which provides:

A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

As a threshold matter, this proceeding is governed by the procedures in Minn. Stat. §§ 211B.31-.37. The Minnesota Rules of Civil Procedure do not govern this proceeding. While the Minnesota Rules of Civil Procedure may prove a helpful template for procedural questions on which the controlling statutes are silent, they do not serve as a source of

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<sup>5</sup> Complaint at 3.

<sup>6</sup> Prehearing Order at 2.

<sup>7</sup> These requests were made in a single motion but are identified separately for ease of discussing the distinct issues raised in the two requests.

authority for this tribunal to impose monetary sanctions sought by a subpoena recipient. Further, the sanctions provision in Minn. R. Civ. P. 45.03(a) exists in an environment where Minn. R. Civ. P. 45.01(c) allows for attorneys in civil litigation to serve subpoenas unreviewed by District Courts for their substance. The subpoenas issued in this proceeding are reviewed by a judge prior to issuance.<sup>8</sup> This serves as a check on discovery abuse not required by the Minnesota Rules of Civil Procedure. Indeed, this check resulted in Movants being served with subpoenas that were narrower in scope than those originally requested by Complainant.<sup>9</sup>

As previously discussed, Complainant was navigating this proceeding with the expectation that she identify the owners or registrants of the Vote for Becka Website. These owners or registrants are “John/Jane Doe,” the respondent(s) in this matter who have since been identified. Complainant sought subpoenas for the legitimate purpose of identifying a named respondent who could be properly served and present evidence on their behalf. Movants concede that they have this information.<sup>10</sup> This information is not only relevant, but also essential in order to allow the Office of Administrative Hearings to comply with its statutory obligation to provide a copy of the Complaint to Respondent.<sup>11</sup> While Movants contend that they are privileged from providing this information under Minn. Stat. § 595.023,<sup>12</sup> Complainant did not engage in sanctionable discovery abuse when she sought a subpoena seeking relevant information from a party that actually had that information. She also did not engage in such abuse when she served the modified subpoena issued by this tribunal.

The Motion for Sanctions also argues that Complainant’s “claims against [Movants] in this matter are specious at best and malicious at worst.”<sup>13</sup> Complainant did not name Movants as respondents in this matter. In addition to not being named as Respondents, based on their representations that they are neither the owners nor registrants of the Vote for Becka Website,<sup>14</sup> Movants are also not the unnamed John/Jane Doe Respondent. In other words, Complainant has brought no “claims” against Movants at all. In fact, the only relevant assertion made by Complainant that led to the subpoenas is that Movants knew the identity of the owners or registrants of the Vote for Becka Website; an assertion that Movants concede was accurate.

Further, the Motion to Quash and Motion for Sanctions includes gratuitous criticism of Complainant and her campaign.<sup>15</sup> It would be charitable to characterize this commentary as tangential to the issues brought in these Motions. Attorney’s fees would be inappropriate when the amount of work done responding to the subpoenas was inflated by the inclusion of this editorialization.

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<sup>8</sup> The subpoenas were issued under the authority granted in Minn. Stat. § 14.51 (2024).

<sup>9</sup> Order on Requests for Subpoenas (May 13, 2025).

<sup>10</sup> Affidavit (Aff.) of Taylor Dahlin at ¶ 12; Aff. of John Edwards at ¶ 12.

<sup>11</sup> Minn. Stat. § 211B.32, subd. 6.

<sup>12</sup> Complainant disputes that this provision prevents disclosure of the requested information. Response at 5-14. It is not necessary to resolve this issue because (1) Complainant has withdrawn the subpoenas and (2) it was not sanctionable discovery abuse for Complainant to seek relevant information from parties who concede that they possess that information even if this tribunal were to conclude that a valid privilege ultimately precluded compelling production.

<sup>13</sup> Motion for Sanctions at 13.

<sup>14</sup> Dahlin Aff. at ¶ 9; Edwards Aff. at ¶ 9.

<sup>15</sup> See, e.g. Motion to Quash at 2-3.

Complainant opposes the Motion for Sanctions because Movants were represented by counsel pro bono.<sup>16</sup> The Motion for Sanctions will be denied, but it is worth emphasizing that counsel working pro bono is not among the reasons why. Pro bono representation fills an important need in our justice system. The quality of the legal system is enhanced when parties, regardless of ability to pay, are able to enjoy the representation of qualified counsel. If an award of fees were appropriate, the fact that counsel undertook representation without expectation of payment would not be a barrier to such an award.

For the reasons discussed herein, the Motion for Sanctions is **DENIED**.

**J. C. M.**

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<sup>16</sup> Response at 17-18.