

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Do No Harm, Inc., a nonprofit corporation,

Plaintiff,

V.

Dr. Brooke Cunningham, in her official capacity as Commissioner of the Minnesota Department of Health,

Defendant.

Court File No. 0:25-cv-00287-KMM-JFD

MOTION FOR LEAVE TO SUPPLEMENT COMPLAINT

Pursuant to Federal Rule of Civil Procedure 15(d), and United States District Court of Minnesota Local Rule 15, Plaintiff hereby submits this motion to supplement its original Complaint. In support of this motion, Plaintiff states the following:

1. On June 14, 2025, the challenged provision in this case, Minnesota Statute Section 145.987, subdivision 1, was amended as follows:

The health equity advisory and leadership (HEAL) council consists of 18 members appointed by the commissioner of health, including but not limited to members who will provide representation from the following groups.

2. On June 26, 2025, Plaintiff's counsel conferred with Defendant's counsel via email and requested consent to supplement the original Complaint to acknowledge the statutory amendment.

3. On July 14, 2025, Defendant's counsel gave written notice that she opposed Plaintiff's request to supplement the complaint.

4. Rule 15(d) enables this court, on motion and reasonable notice and on just terms, to permit a party to serve a supplemental pleading “setting out any . . . occurrence that happened after the date of the pleading to be supplemented.”

5. Plaintiff believes that the circumstances here support the need for a supplemental pleading. Although the State’s statutory amendment does not alter Plaintiff’s underlying claims, the supplemental pleading will ensure that the complaint references the updated language and accurately reflects the current state of the law.

6. Plaintiff believes no party will be prejudiced by the requested relief because the underlying claims in this matter are not affected by the statutory amendment, and there is no intent to delay the established timeline of the case.

7. A copy of the proposed supplemental pleading and a redlined version of the proposed supplemental pleading indicating its changes from the original Complaint are included as attachments to this motion.

Plaintiff respectfully requests that the Court grant this motion.

DATED: July 22, 2025.

Respectfully submitted,

PACIFIC LEGAL FOUNDATION

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Attorneys for Plaintiff

** Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2025, I served the foregoing on the following counsel of record for the Defendant via email:

Jennifer Moreau

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Kaitrin Vohs

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Attorneys for Defendant

/s/ Brandon C. Beyer

Brandon C. Beyer

Attorney for Plaintiff Do No Harm

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Do No Harm, Inc., a nonprofit
corporation

Plaintiff(s)

**LR 7.1(f) & LR 72.2(d)
CERTIFICATE OF COMPLIANCE**

v.

Case Number: 0:25-cv-00287-KMMJFD

Dr. Brooke Cunningham, in her official capacity as
Commissioner of the Minnesota Department of
Health

Defendant(s)

I, Brandon C. Beyer

[name of filer], certify that the



Memorandum titled: Motion for Leave to Supplement Complaint
complies with Local Rule 7.1(f).

or



Objection or Response to the Magistrate Judge's Ruling complies with Local Rule 72.2(d).

I further certify that, in preparation of the above document, I:



Used the following word processing program and version: Microsoft Office, Office 365
and that this word processing program has been applied specifically to include all text,
including headings, footnotes, and quotations in the following word count.

or



Counted the words in the document.

I further certify that the above document contains the following number of words: 302

Date: July 22, 2025

s/ Brandon C. Beyer

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