

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Anmarie Calgaro,

Plaintiff,

Court File No. 16-cv-3919 – PAM-LIB

vs.

**PLAINTIFF ANMARIE CALGARO'S
MOTION FOR SUMMARY
JUDGMENT**

St. Louis County; Linnea Mirsch, individually and in her official capacity as Interim Director of St. Louis County Public Health and Human Services; Fairview Health Services, a Minnesota nonprofit corporation; Park Nicollet Health Services, a nonprofit corporation; St. Louis County School District; Michael Johnson, individually and in his official capacity as Principal of the Cherry School, St. Louis County School District; and J.D.K.,

Defendants.

Plaintiff Anmarie Calgaro, through her attorney, Erick G. Kaardal, moves for summary judgment under Rule 56(a) of the Federal Rules of Civil Procedure. There is no genuine issue of material fact and thus, Ms. Calgaro is entitled to judgment and injunctive relief. Ms. Calgaro seeks judgment on all of her claims as asserted in her Complaint dated November 16, 2016, including the allegations that the Defendants violated her protected rights under the Due Process Clause of the U.S. Constitution under 42 U.S.C. §

1983 with the exception of J.D.K. who is an interested party only. Ms. Calgaro also asserted that she is entitled declaratory judgment against the Defendants (except J.D.K.) showing a violation of her due process rights because there is no statutory or common law cause of action to challenge in state court determinations of emancipation that lead to her denial to accessing medical, educational, and other records regarding J.D.K. without parental consent or without a court order or both.

Finally, Ms. Calgaro's summary judgment motion will seek injunctive relief against the Defendants from providing certain services to her minor children without a process to assert her parental rights before a determination of emancipation is determined. Further, the same injunction will seek from the Defendants to provide her with certain medical, educational, and other records that are directly related to J.D.K. Because the underlying Complaint is made under 42 U.S.C. § 1983, attorney fees and costs will be sought after the disposition of Ms. Calgaro's motion for summary judgment.

The summary judgment memorandum will be supported by

declarations of Ms. Calgaro and Mr. Kaardal and others as is needed.

Dated: November 28, 2016

/s/Erick G. Kaardal
Erick G. Kaardal, 229647
Mohrman, Kaardal & Erickson, P.A.
150 South Fifth Street, Suite 3100
Minneapolis, Minnesota 55402
Telephone: 612-341-1074
Facsimile: 612-341-1076
Email: kaardal@mklaw.com

Attorneys for Plaintiff