

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF GOODHUE

FIRST JUDICIAL DISTRICT

Case Type: Civil

Minnesota Center for Environmental
Advocacy,

Court File No.: 25-CV-25-2298

Plaintiff,

vs.

**ORDER AND MEMORANDUM
DENYING MOTION
FOR TEMPORARY RESTRAINING
ORDER**City of Pine Island; Ryan Companies US,
Inc.,

Defendants.

The above captioned matter came on for hearing on December 23, 2025, before the Honorable Patrick M. Biren, Judge of Goodhue County District Court, at the Goodhue County Justice Center, 454 West Sixth Street, City of Red Wing, County of Goodhue, State of Minnesota. Abigail Hencheck, Esq. appeared on behalf of Plaintiff Minnesota Center for Environmental Advocacy (MCEA). Paul Reuvers, Esq. appeared on behalf of Defendant City of Pine Island. Michael Drysdale, Esq. appeared on behalf of Defendant Ryan Companies U.S., Inc. All appearances were remote.

MCEA commenced this lawsuit on October 16, 2025, and Defendants filed their Answers on November 12 and 13, 2025 respectively. On December 9, 2025, Plaintiff obtained a motion hearing date for February 2, 2026 and then on December 12, 2025, Plaintiff filed a Motion for a Temporary Restraining Order requesting the Court grant that motion without holding a hearing. Defendant Ryan Companies filed a request for additional time to respond to Plaintiff's motion and after that response was filed, the remote motion hearing was scheduled.

Based on all the files, pleadings, records, and proceedings herein, and on the arguments of the parties, the Court issues the following:

ORDER

1. Plaintiff's Motion for Temporary Restraining Order Enjoining Defendant City of Pine Island from granting any permits related to Project Skyway Alternative Urban Areawide Review is DENIED.
2. Plaintiff's Motion for Temporary Restraining Order Enjoining Defendant Ryan Companies US, Inc. from beginning construction within the Project Skyway Alternative Urban Areawide Review is DENIED.
3. Plaintiff's Motion for the Court order Defendant City of Pine Island's deadline for making decisions on applications and requests related to Project Skyway Alternative Urban Areawide Review study area extended for 60 days from the date of this order is DENIED.
4. The February 2, 2026 Motion hearing date remains as scheduled.
5. The following memorandum is incorporated herein and made a part of this order.

DATED: December 29, 2025**BY THE COURT:**

Biren, Patrick

2025.12.29

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Patrick M. Biren

JUDGE OF GOODHUE COUNTY

DISTRICT COURT

MEMORANDUM

In this suit alleging regulatory violations against Defendants for a proposed development ("Project Skyway") in Pine Island, Minnesota, Plaintiff requests an emergency temporary

restraining order (TRO) against Defendant Pine Island from granting permits and Defendant Ryan Companies US, Inc. from beginning construction related to Project Skyway. Plaintiff further requests the Court order Defendant City of Pine Island's deadline for making decisions on applications and requests related to Project Skyway Alternative Urban Areawide Review study area be extended for 60 days from the date of this order.

FACTUAL BACKGROUND

Plaintiff MCEA is a Minnesota non-profit organization that seeks to protect Minnesota's environment with supporters in the City of Pine Island, Minnesota. Compl. p. 5; Affidavit of Aubree Derksen.

Defendant City of Pine Island is a municipal corporation partially located within Goodhue County, Minnesota. Part of the Project Skyway project area is located within the City and the City is the responsible governmental unit (RGU) required to conduct environmental review under the Minnesota Environmental Policy Act (MEPA) before deciding whether the proposed project can proceed. Comp. p. 5; City of Pine Island Answer, p. 3-4.

Defendant Ryan Companies US, Inc. is the project proposer for the Project Skyway development, and a registered business corporation in the State of Minnesota. Comp. p. 5; Ryan Companies Answer p. 4.

Project Skyway is a proposed technology and industrial development on 482 acres of land that would include at least 100 acres of data center development. Comp. p.1-2; City of Pine Island Answer p. 2; Ryan Companies Answer p. 2.

ANALYSIS

Rule 65 of the Minnesota Rules of Civil Procedure provides a procedure for a party to obtain a temporary restraining order or temporary injunction. The purpose of such relief is to preserve the rights of parties "pending an adjudication on the merits." *Metro. Sports Facilities*

Comm'n v. Minn. Twins P'ship, 638 N.W.2d 214, 220 (Minn. App. 2002), rev. denied (Minn. Feb. 4, 2002).

A TRO or temporary injunction may be granted if by affidavit, deposition testimony, or oral testimony in court, the movant demonstrates that there is no adequate legal remedy, and that the injunction is necessary to prevent irreparable harm. Minn. R. Civ. P. 65.02(b); *Medtronic, Inc. v. Advanced Bionics Corp.*, 630 N.W.2d 438, 451 (Minn. Ct. App. 2001). “Because a temporary injunction is granted before a trial on the merits, a showing of irreparable harm is required to prevent undue hardship to the party against whom the injunction is issued, whose liability has not yet been determined.” *DSCC v. Simon*, 950 N.W.2d 280, 286 (Minn. 2020) (quotation omitted).

Additionally, in evaluating a claim for a temporary injunction, courts consider the *Dahlberg* factors:

1. The nature and background of the relationship between the parties preexisting the dispute giving rise to the request for relief.
2. The harm to be suffered by the plaintiff if the temporary restraint is denied as compared to that inflicted on defendant if the injunction issues pending trial.
3. The likelihood that one party or the other will prevail on the merits when the fact situation is viewed in the light of established precedents fixing the limits of equitable relief.
4. The aspects of the fact situation, if any, which permit or require consideration of public policy expressed in the statutes, State and Federal.
5. The administrative burdens involved in judicial supervision and enforcement of the temporary decree.

Dahlberg Bros. v. Ford Motor Co., 137 N.W.2d 314, 321-22 (Minn. 1965). However, “[t]he failure to show irreparable harm is, by itself, a sufficient ground upon which to deny a preliminary injunction.” *Morse v. City of Waterville*, 458 N.W.2d 728, 729 (Minn. Ct. App. 1990).

I. Plaintiff has not shown it will suffer irreparable harm if the Temporary Restraining Order is not granted.

Plaintiff alleges that failure to comply with environmental review procedures is sufficient irreparable harm, citing *Richland/Wilkin Joint Powers Authority v. United States Army Corps of Engineers*, 2015 WL 2251481 (D. Minn. 2015). *Richland*, however, is a case where it was undisputed that Minnesota environmental review had not been completed on a project where construction of flood diversion plans affecting both Minnesota and North Dakota had already begun. This matter, on the other hand, is proceeding with Minnesota's required environmental reviews, albeit Plaintiff alleges insufficiently.

Defendant Ryan Companies characterizes Plaintiff's irreparable harm argument as encompassing 1) physical onsite work and 2) the potential for city decisions later being deemed invalid. As to the first argument, Ryan Companies, through its counsel, represents no further soil samples will be taken until the ground thaws in the spring and the actual construction, will not begin until July 2026 at the earliest. As to the second, Minnesota courts have expressly held that the time and expense of conducting statutory duties that later end up having been unnecessary is not "irreparable harm." *City of Mounds View v. Metropolitan Airports Comm'n*, 590 N.W.2d 355, 357 (Minn. Ct. App. 1999).

Plaintiff also argues irreparable harm due to the potential in the future for the construction process to become separated from the environmental review process. Given the information available to the court within the parties' filings, this is a speculative, future harm, however, and therefore not irreparable at this time.

Based upon the facts currently in evidence and representations the regarding commence of construction, Plaintiff has failed to show that it will suffer irreparable harm if the temporary restraining order is not granted. Nonetheless, the Court will also weigh the *Dahlberg* factors in considering Plaintiff's motion.

II. The *Dahlberg* factors weigh against granting the Temporary Restraining Order.

1. The nature and the background of the relationship between the parties preexisting the dispute giving rise to the request for relief.

Plaintiff argues Defendant City of Pine Island has such power over development within its jurisdiction to justify granting the temporary restraining order. This is the same relationship that would exist in any suit involving environmental review of proposed development and therefore not what this factor is meant to weigh. This factor is specifically about the relationship prior to the dispute. In one case, for example, the Minnesota Supreme Court found significant the parties' 40 yearlong business relationship (*Dahlberg* at 314), in another, the Court of Appeals looked at the parties' prior stipulated settlement agreement (*City of Mounds View* at 355.) There is no significant relationship or history between the parties in this matter. This factor, therefore, favors neither party.

2. The harm to be suffered by Plaintiff if the temporary restraint is denied as compared to that inflicted on Defendant if the injunction issues pending trial.

As discussed above, Plaintiff does not allege a particular harm if temporary restraint is denied at this time. Defendant Ryan Companies US, Inc. alleges it will incur increased costs from any delay in the permitting process, estimated to be as much as \$5 million. This factor weighs against granting the temporary restraining order.

3. The likelihood that one party or the other will prevail on the merits when the fact situation is viewed in the light of established precedents fixing the limits of equitable relief.

The probability of success in the underlying action is a ‘primary factor’ in determining whether to issue a temporary injunction. *Minneapolis Federation of Teachers Local 59 v. Minneapolis Public Schools, Special School District No. 1*, 512 N.W.2d 107, 110 (Minn. Ct. App. 1994), *review denied* (Minn. March 21, 1994).

Plaintiff has made numerous factual allegations in its approximately 30-page complaint. Both Defendants argue the Alternative Urban Areawide Review (AUAR) took months to prepare and contains extensive amounts of complex and specialized information on environmental impacts. Defendant City of Pine Island points out it is Plaintiff’s burden to prove not just that someone could have come to a different conclusion based upon the record before the City as the RGU, but rather that the City’s decision is unsupported by the evidence available to the City in its review. *See Friends of Twin Lakes v. City of Roseville*, 764 N.W.2d 378, 381 (Minn. Ct. App. 2009.) The current record available to the Court is insufficient at this time and there are many questions of material fact. As a result, it is too speculative for the Court to determine at this time which party is likely to prevail. This factor, therefore, is neutral.

4. The aspects of the fact situation, if any, which permit or require consideration of public policy express in the statutes, State and Federal.

There are competing public policies expressed in statutes in this matter. Minn. Stat. §116D.04 subd. 2b instruct that projects may not be started and final government permits issued until after environmental review is complete. Minn. Stat. §15.99, however, favors prompt review of land use permit applications. This factor, therefore, favors neither party.

5. The administrative burdens involved in judicial supervision and enforcement of the temporary decree.

There are no burdens on the court for supervision or enforcement whether or not the temporary restraining order is granted. This factor, therefore, favors neither party.

Overall, four of the *Dahlberg* factors are neutral and one factor favors denying the request for a temporary restraining order.

III. Plaintiff's request for the court to order Defendant City of Pine Island's deadline for making decisions on applications and related to Project Skyline extended for 60 days.

As Plaintiff has not met its burden on its request for a temporary restraining order, the Court does not reach Plaintiff's request for this deadline extension under Minn. Stat. §15.99 subd. 3(d).

IV. Imposition of a Bond.

The parties in their briefs discuss what amount the Court should impose upon Plaintiff as security under Minn. R. Civ. Pro. 65.03 if the TRO is granted. Plaintiff seeks a "minimal" bond and Defendant Ryan Companies seeks a \$5 million bond. Since the TRO is not granted, the Court does not reach this issue.

CONCLUSION

Based upon the facts currently before this Court and representations made by officers of the Court regarding the start of construction, Plaintiff has not shown there may be irreparable harm if the temporary restraining order is not granted at this time. Further, balancing the *Dahlberg* factors weighs against the requested relief. Plaintiff's motion for a temporary restraining order is denied.

Nothing in this order shall preclude a future motion by Plaintiff for temporary relief based upon new or additionally learned facts. Given Defendant City of Pine Island's

representation during the hearing that the administrative record for the AUAR process will be made available the week following the hearing, the February 2, 2026 motion date will remain on the calendar unless otherwise agreed to by the parties or cancelled by Plaintiff.

PMB



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