

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

MATTHEW D. GUERTIN

Plaintiff,

v.

HENNEPIN COUNTY, a municipal entity;

KEITH ELLISON, in his official  
capacity as Minnesota Attorney General;

MARY MORIARTY, in her official  
capacity as Hennepin County Attorney;

CHELA GUZMAN-WEIGART, in her  
official capacity as Assistant County  
Administrator for Law, Safety, and Justice;

JULIA DAYTON-KLEIN, in her  
individual capacity;

GEORGE F. BORER, in his  
individual capacity;

DANIELLE C. MERCURIO, in her  
individual capacity;

DR. JILL ROGSTAD, in her official  
capacity as Senior Clinical Forensic  
Psychologist in the Fourth Judicial District;

DR. ADAM MILZ, in his official capacity  
with Hennepin County Mental Health;

JACQUELINE PEREZ, in her  
official capacity as Assistant Hennepin  
County Attorney;

BRUCE M. RIVERS, in his  
individual capacity.

Defendants.

Case No: 24-cv-02646-JRT-DLM

**PLAINTIFF’S RESPONSE  
TO DEFENDANTS’ MOTIONS  
TO DISMISS**

**I. INTRODUCTION**

1. Plaintiff Matthew Guertin, proceeding pro se, respectfully submits this response to the motions to dismiss filed by all of the Defendants except for Bruce Rivers, who has failed to respond to Guertin’s complaint.

2. The overwhelming and newly discovered evidence of fraudulent discovery materials, combined with the clear indications of a civil conspiracy, substantiate Plaintiff's claims and directly counter the arguments made by the Defendants in their respective motions.

## **II. DISCOVERY FRAUD AND VALIDATION OF INITIAL CLAIMS**

3. The most crucial point that needs to be addressed is the newly obtained discovery materials provided to Guertin by Bruce Rivers on July 16, 2024.

4. This new discovery, which includes manipulated and missing images, directly correlates with the initial set of discovery that Plaintiff had already flagged as fraudulent.

5. The fraudulent nature of these materials not only serves to validate Plaintiff's initial claims but also directly ties Bruce Rivers, a defendant in this case, to the conspiracy.

6. Notably, Bruce Rivers remains the Plaintiff's defense counsel, despite multiple direct requests from Guertin for him to withdraw. This includes a pro se motion for substitute counsel that Guertin filed with the Hennepin County District Court on June 3, 2024, and the glaring conflict of interest arising from Rivers also being a Defendant in this very case.

7. Rivers' unwavering dedication to Guertin - his refusal to relinquish control and his determination to steer Guertin's case - while blatantly ignoring the numerous Minnesota Rules of Professional Conduct he continues to violate, is nothing short of an impressively absurd feat.

8. This, naturally, fits seamlessly into the series of absurdities that have come to define nearly every aspect of Guertin's ongoing adventure within the Hennepin County Courts.

**A. Direct Correlation Between Initial and New Discovery Materials**

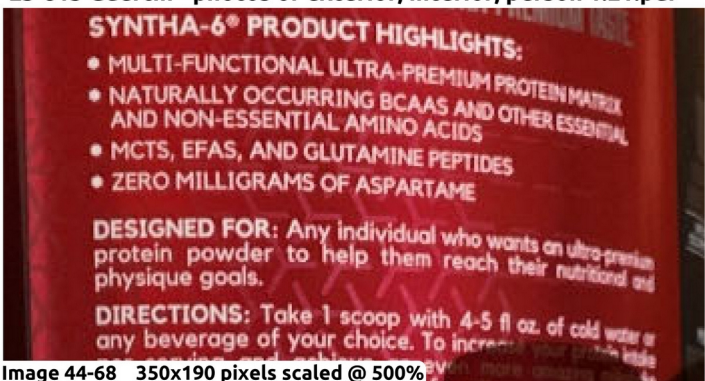
9. The new discovery set conspicuously lacks the same 28 images initially identified by Plaintiff as manipulated. The probability of this specific set of images being excluded by coincidence is astronomically low, thereby reinforcing the claim of intentional tampering.

4/4/2024 - Michael Biglow Motion to Compel Discovery					7/16/2024 BRUCE RIVERS
page- img#	W-px	H-px	image-ratio	location of photo	Bruce Rivers July 16, 2024 Discovery Images
22-39	1114	1889	1:1.696	inside-Guertin-residence	MISSING
23-40	1430	953	3:2	inside-Guertin-residence	23-0098_0012_520-TRS_DSC_0197.JPG
23-41	1430	953	3:2	inside-Guertin-residence	23-0098_0012_520-TRS_DSC_0196.JPG
24-42	1087	1885	1:1.734	inside-Guertin-residence	MISSING
25-43	1430	953	3:2	inside-Guertin-residence	23-0098_0012_520-TRS_DSC_0201.JPG
25-44	1430	953	3:2	inside-Guertin-residence	23-0098_0012_520-TRS_DSC_0207.JPG
26-45	1430	953	3:2	inside-Guertin-residence	23-0098_0012_520-TRS_DSC_0203.JPG
26-46	1430	953	3:2	inside-Guertin-residence	23-0098_0012_520-TRS_DSC_0204.JPG
27-47	1134	1939	1:1.710	inside-Guertin-residence	MISSING
28-48	1224	2153	1:1.759	inside-Guertin-residence	MISSING
29-49	1430	953	3:2	inside-Guertin-residence	23-0098_0012_520-TRS_DSC_0189.JPG
30-50	1214	1967	1:1.620	inside-Guertin-residence	MISSING
31-51	1109	1895	1:1.709	inside-Guertin-residence	MISSING
32-52	1129	1931	1:1.710	inside-Guertin-residence	MISSING
33-53	1159	1960	1:1.691	inside-Guertin-residence	MISSING
34-54	1431	805	16:9	inside-Guertin-residence	MISSING
34-55	1431	805	16:9	inside-Guertin-residence	MISSING
35-56	1431	805	16:9	inside-Guertin-residence	MISSING
35-57	1431	805	16:9	inside-Guertin-residence	MISSING
36-58	1430	953	3:2	inside-Guertin-residence	23-0098_0012_520-TRS_DSC_0183.JPG
37-59	831	1375	1:1.655	inside-Guertin-residence	MISSING
38-60	1431	805	16:9	inside-Guertin-residence	MISSING
38-61	1431	805	16:9	inside-Guertin-residence	MISSING
39-62	1152	1976	1:1.715	inside-Guertin-residence	MISSING
40-63	1137	1912	1:1.682	inside-Guertin-residence	MISSING
41-64	1172	1851	1:1.579	inside-Guertin-residence	MISSING
42-65	1430	953	3:2	inside-Guertin-residence	23-0098_0012_520-TRS_DSC_0323.JPG

10. The manipulation involves the generation of fake application windows that are being used to obscure the true contents of Guertin's laptop screen in which he had left an image of his self professed 'former CIA' welder displayed on it, with these fraudulent application windows including pixelation and inconsistencies that directly infer they were produced using an advanced ai image generation model of some sort.

27-CR-23-1886  
 Filed in District Court  
 State of Minnesota  
 4/4/2024 7:25 AM

**Images below are all 350 pixel wide crops from the images contained in the PDF file '23-815 Guertin - photos of exterior, interior, person 1.21.pdf'**

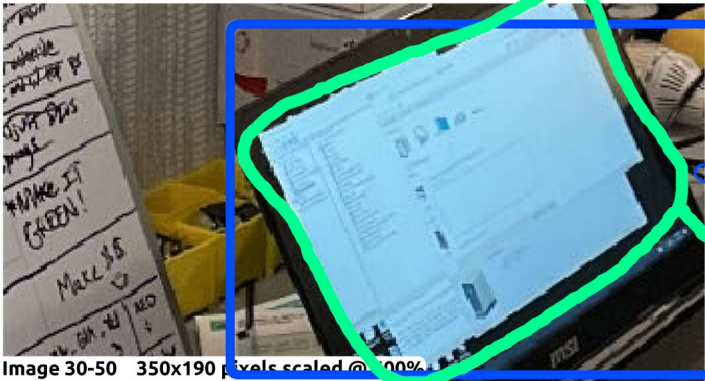


**Image 44-68** 350x190 pixels scaled @ 500% with no interpolation applied = 1750x950px

all 3 of these images are directly extracted from PDF images at indicated pixel size and then all were scaled to 5x their original size with no interpolation or smoothing applied during scaling

all 3 have a matching width of 350px wide before being scaled meaning they should all appear identical insofar as any compression artifacts, etc.


all are a 1:1 comparison in terms of pixel density



**Image 30-50** 350x190 pixels scaled @ 500% with no interpolation applied = 1750x950px

Out of the 80 images in the PDF this one from page 30 is the only one in which these jagged block like artifacts appear - look at the edges of the white menu windows on the screen.

This image is either edited or intentionally had the image compression levels set extremely high (higher than all of the other images..)



**Image 16-31** 350x138 pixels scaled @ 500% with no interpolation applied = 1750x690px

## LAPTOP SCREEN ANOMALIES

EXHIBIT  
I

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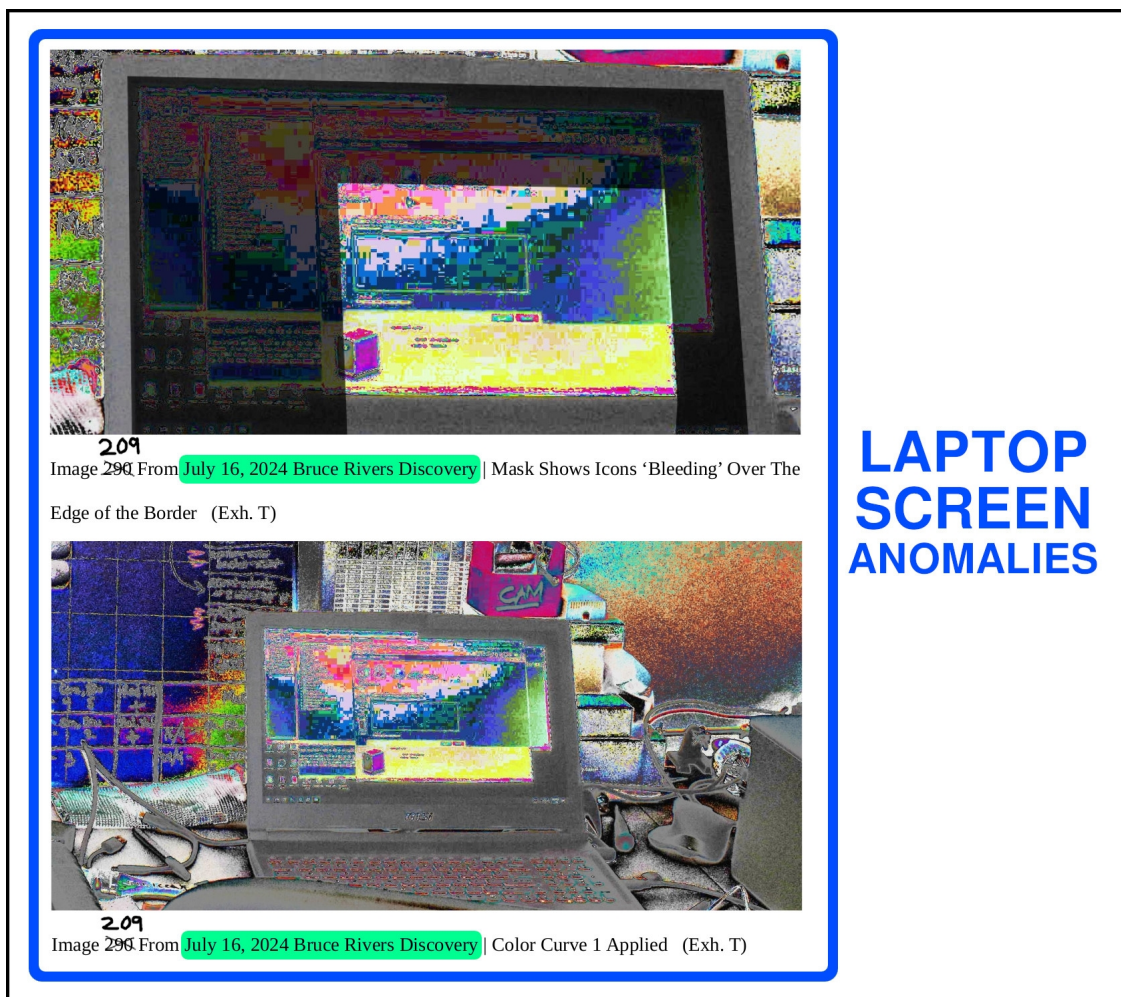
11. This not only validates Plaintiff's claims but also implicates the Defendants in an ongoing conspiracy to obstruct justice.

## **B. Civil Conspiracy and Involvement of Defendants**

12. The alignment of fraudulent materials in both sets of discovery implicates both the prosecution and Bruce Rivers in a coordinated effort to undermine Plaintiff's defense.

13. This further substantiates Plaintiff's civil conspiracy claims, which are at the heart of this case.

14. The fraudulent discovery provided by Rivers aligns with the discovery previously supplied by Michael Biglow, reinforcing the existence of a broader conspiracy.



**C. Validation of Monell Claims**

15. The irrefutable proof of manipulated and missing images supports Plaintiff's Monell claims against the municipality of Hennepin County.

16. Plaintiff had originally provided this fraudulent discovery to the Hennepin County Attorney's Office as well as the Minnesota Attorney Generals Office as part of his Minnesota Court of Appeals case, A24-0780, service requirements. Their failure to acknowledge or address these issues serves to validate Plaintiff's claims under Monell.

**III. DISCREDITING THE FOUNDATION OF DEFENDANTS' ARGUMENTS**

**A. Undermining the Credibility of the Exam Reports**

17. The defendants' motions to dismiss are fundamentally flawed as they rely on the findings of the Rule 20.01 exam reports. However, the August 7 motion provides compelling evidence that thoroughly discredits the content of these reports, particularly those authored by Dr. Jill Rogstad and Dr. Adam Milz.

18. Dr. Rogstad's March 2023 report is riddled with inaccuracies, falsehoods, and omissions that seriously question its credibility.

19. The report labels numerous factual claims made by the Plaintiff as delusional, despite these claims later being proven true.

20. For instance, the report dismisses Guertin's claims about his patent being 'revolutionary' to the point that it would attract the attention of a huge corporation like Netflix, as 'persecutory delusions'. Yet, subsequent evidence, including a listing of Guertin's name, and patent number atop Netflix US Patnet 11,810,254, corroborates Guertin's assertions, thereby discrediting the report's conclusions.

21. Moreover, the report fails to consider critical evidence provided by Guertin, such as the January 12, 2023, police report where he presented substantial evidence of fraud to Officer Brandon Harris of the Minnetonka Police Department.

22. This omission highlights a serious flaw in the report's foundation, further undermining its validity.

23. Similarly, Dr. Milz's January 2024 exam report perpetuates these inaccuracies by continuing to assert that Guertin suffers from a delusional disorder, despite overwhelming evidence to the contrary.

24. The report also falsely attributes a history of substance abuse and psychosis to Guertin—claims that are directly contradicted not only by Guertin's medical records and long-term doctor's assessment, which show no such history, but also by his own actions.

25. Guertin has consistently demonstrated logical and rational thinking through the production, analysis, and filing of a substantial number of coherent and well-reasoned pro se court filings.

#### **B. Constitutional Due Process Violations**

26. The flawed psychological evaluations used to justify Guertin's civil commitment represent a grave violation of his constitutional right to due process. The court has a duty to ensure that decisions about a person's mental competence are based on accurate and truthful information.

27. The manipulated and discredited exam reports fail to meet this standard, calling into question the legitimacy of the entire civil commitment proceeding.

**C. Questioning the Motions' Validity**

28. The defendants' motions to dismiss rest on the assumption that the psychological evaluations supporting the civil commitment proceedings are valid. However, given the substantial evidence discrediting these evaluations, the motions themselves lack a credible foundation.

29. The court should consider the thorough discrediting of these reports and deny the defendants' motions to dismiss.

**D. Violation of Plaintiff's Right to a Fair Trial**

30. The reliance on these discredited psychological evaluations as a basis for civil commitment and claims of incompetence has compromised Plaintiff's right to a fair trial. The use of flawed and manipulated reports to determine Guertin's mental state is unjustifiable and further invalidates the defendants' motions.

**E. Civil Conspiracy and Systemic Corruption**

31. The discrediting of the exam reports also ties directly into the broader civil conspiracy claim.

32. The involvement of the same actors in both the flawed psychological evaluations and the introduction of fraudulent discovery materials suggests a coordinated effort to undermine Guertin's legal standing and supports his claims of systemic corruption. This further necessitates judicial intervention to correct these injustices.



#### **IV. ADDITIONAL POINTS FROM DEFENDANTS' MEMORANDUMS**

33. Upon review of Defendants' memorandums, several additional arguments can be effectively countered with the evidence presented in Plaintiff's August 7, 2024, motion for expedited preliminary injunction:

##### **Improper Service Argument:**

34. The argument regarding improper service is nullified by the fact that Hennepin County and other Defendants have responded through counsel. Their active participation in the case demonstrates that they were properly served, regardless of their current claims.

##### **Qualified Immunity:**

35. Defendants' assertions of qualified immunity are moot in light of the fraudulent discovery materials. The evidence shows intentional acts that go beyond mere negligence, implicating the Defendants in active wrongdoing.

##### **Failure to State a Claim:**

36. Defendants argue that Plaintiff has failed to state a claim upon which relief can be granted. However, the new evidence of discovery fraud, directly linked to the Defendants, clearly substantiates Plaintiff's claims and underscores the necessity of judicial intervention to protect the Plaintiff's constitutional rights.

## **V. CONCLUSION**

37. The newly presented evidence in Plaintiff's August 7 motion is not only compelling but irrefutably substantiates all of Plaintiff's initial claims.

38. The Defendants' motions to dismiss should be denied in their entirety, as the discovery fraud alone proves the existence of a coordinated conspiracy against Plaintiff. This conspiracy, which involves both the prosecution and Bruce Rivers, directly undermines the integrity of the entire judicial process.

39. It is also worth noting that while all other defendants have responded to the complaint, Bruce Rivers has failed to do so, raising concerns about his willingness to engage with the judicial process. Plaintiff respectfully requests that the Court consider this omission as further evidence of the seriousness of the allegations and allow this case to proceed to trial so that all the evidence can be thoroughly examined and justice can be served.

Dated: August 14, 2024

Respectfully submitted,

/s/ Matthew D. Guertin

Matthew David Guertin  
Pro Se Plaintiff  
1075 Traditions Ct.  
Chaska, MN 55318  
Telephone: 763-221-4540  
[MattGuertin@protonmail.com](mailto:MattGuertin@protonmail.com)  
[www.MattGuertin.com](http://www.MattGuertin.com)

**VI. CERTIFICATE OF COMPLIANCE**

I certify that the foregoing response complies with the word limit set forth in Local Rule 7.1(f) of the United States District Court for the District of Minnesota, as it contains 1,422 words, excluding the caption, signature block, and this certificate of compliance.

Dated: August 14, 2024

Respectfully submitted,

/s/ Matthew D. Guertin

Matthew David Guertin  
Pro Se Plaintiff  
1075 Traditions Ct.  
Chaska, MN 55318  
Telephone: 763-221-4540  
[MattGuertin@protonmail.com](mailto:MattGuertin@protonmail.com)  
[www.MattGuertin.com](http://www.MattGuertin.com)