

NEWS
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White House, Governor's Office Criminalize Historic Minnesota Brand

STILLWATER, MN (November 11, 2020) -- On October 29, 2020, President Trump's Coronavirus Task Force issued several recommendations to slow the spread of COVID-19. Less than two weeks later, Minnesota Governor Tim Walz responded to President Trump's direction that "aggressive mitigation" be implemented and issued Emergency Executive Order 20-96. The order directs businesses to "comply with any changes and updates to applicable guidance available at the Stay Safe Minnesota website (<https://staysafe.mn.gov>)." The website mandates "bar games that require standing are not permitted."

"You can throw darts and axes by sitting in a chair, and make a shake-a-day sitting down," says Jim Martin, CEO of the nationally renowned Hammer-Schlagen® brand of entertainment, which originated in and continues to hail from Stillwater, Minnesota. "Every single 'bar game' can be engaged when sitting down except for our particular brand of service, in which a participant is all but required to be standing." Martin is referring to the federally registered Hammerschlagen Stump (U.S. Pat & TM Off. Reg. No. 5,548,112), a three-dimensional trademark under which Hammer-Schlagen® is marketed and offered at events, festivals, and bars across the nation. The Hammerschlagen Stump (or simply, "Stump") is a cross-section of a tree with nails protruding around its circumference and a blacksmith's hammer. The Hammerschlagen Stump sits higher than a person's waist, requiring players to stand as they strike nails with the wedge end of the hammer.

"I think this health directive clearly intends to prevent us, and only us, from remaining open. I know of no law criminalizing the crowding of a grocery store which spreads COVID all over the food we take home to ingest. But, apparently pounding a nail with a smile concealed under your mask in a socially distanced setting is so dangerous that even advertising our service must be criminalized." Martin refers to that part of the order stating that "threatened violations of this Executive Order" must be fined up to \$25,000 in addition to the cost to investigate and prosecute the act.

"I'd be charged with a crime nearly as serious as a felony if I send our employees out in Minnesota," Martin says. The order imposes up to \$3,000 and one year imprisonment if "any business owner ... who requires or encourages any of their employees ... to violate this Executive Order." Martin continues, "and, my employees and our patrons would be sitting in that cell with me." Martin points to the order's mandate that "an individual who willfully violates this Executive Order is guilty of a misdemeanor" punishable by up to \$1,000 and imprisonment of 90 days.

"Let me be absolutely clear," says Martin, "I don't know of any possible way that we can offer or sell our product anywhere in Minnesota without violating the order. It criminalizes not just the use of our federally registered intellectual property, but every action taken by our absolutely fantastic employees. Literally, every single business in Minnesota can remain open except us."

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Available for phone and in-person interviews: Jim Martin, 651-206-8663.

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