

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF ST. LOUIS

SIXTH JUDICIAL DISTRICT

FILE NO. C5-02-601437;
C2-02-101168;
C6-02-601429

JOANNE FAY and DENNIS FINK,

Petitioners,

v.

ST. LOUIS COUNTY BOARD OF
COMMISSIONERS,

Respondent

and

JIM HOF SOMMER

Petitioner,

v.

ST. LOUIS COUNTY BOARD OF
COMMISSIONERS

Respondent

and

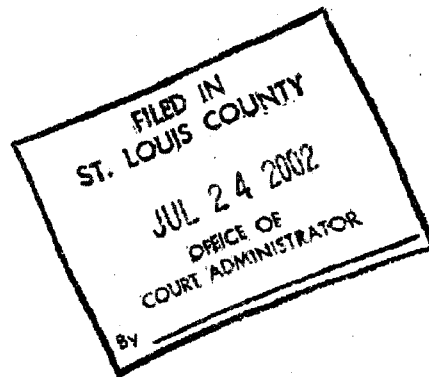
CITIZENS RESEARCH COUNCIL

Petitioner

v.

ST. LOUIS COUNTY BOARD OF
COMMISSIONERS

Respondent



**ORDER REGARDING LEAVE
TO PRESENT MOTION TO
RECONSIDER**

This matter is before the Court pursuant to respondent's request for leave to present a Motion To Reconsider, presented under cover of a letter of July 5, 2002 filed with the Court


Administrator July 8, 2002. Pursuant to General Rules of Practice for District Courts 115 Petitioner Fay filed a responsive memorandum in opposition to the request dated July 10, 2002 and first available for review by the Court on July 11, 2002. Petitioner Fink likewise filed a response opposing Respondent's request. The other petitioners have provided the Court with no filings directed to this issue. The Court, having considered the provisions of General Rule of Practice for District Courts 115.11 and concluding that the compelling circumstances required by the Rule before a Motion to Reconsider is appropriate are not present does, now, hereby make and enter the following:

ORDER

1. Respondent's request for leave to bring a Motion to Reconsider under General Rule of Practice for District Courts 115.11 is denied.
2. The attached Memorandum is explanatory of the Court's rationale for its Order herein.

Dated at Duluth, Minnesota, this 24th day of July 2002.

BY THE COURT:



Terry C. Hallenbeck, District Court Judge

MEMORANDUM

After carefully considering respondent's request, the Court concludes that the compelling circumstances required under Rule 115.11 do not exist.¹ The Court has also considered the provisions of Rule 115.01, subdivision c, in rendering its decision herein.

The Court is mindful the St. Louis County Auditor is not a direct defendant in these three proceedings. It is comfortable the import of the Order, in declaring the unlawful status of the

¹ Judgment was entered herein on July 1, 2002. Rule 60 rather than Rule 115 may thus be applicable.

Plan, is clear on its face and that the provision therein that is the focus of Respondent's proposed Motion was appropriate and requires no clarification. The Court is also of the view it was necessary that the Plan be found unlawful before a Writ could properly issue. Given the question before it, the threshold issue of the Plan's legality was thus within the Court's jurisdiction, and its duty, to decide.

TCH