
STATE OF MINNESOTA
SPECIAL REDISTRICTING PANEL

CO-01-160

Susan M. Zachman, Maryland Lucky R.
Rosenbloom, Victor L.M. Gomez, Gregory G.
Edeen, Jeffrey E. Karlson, Diana V. Bratlie, Brian
J. LeClair and Gregory J. Ravenhorst, individually
and on behalf of all citizens and voting residents of
Minnesota similarly situated,

Plaintiffs,

vs.

**NOTICE OF OBJECTION
TO INTERVENTION**

Mary Kiffmeyer, Secretary of State of Minnesota;
and Doug Gruber, Wright County Auditor,
individually and on behalf of all Minnesota county
chief election officers.

Defendants.

Plaintiffs, pursuant to Rule 24.03 of the Minnesota Rules of Civil Procedure, hereby give Notice of their objection to the proposed intervention by Applicants for Intervention: Congressman Martin Olav Sabo, Congressman James L. Oberstar, Congressman William P. Luther, Congresswoman Betty McCollum, Senator Roger D. Moe and Representative Thomas W. Pugh.

1. Applicants' attempt to intervene as defendants in this matter is improper because Applicants cannot provide Plaintiffs the relief sought by Plaintiffs in this litigation.
2. Applicants' motion is not timely under the Minnesota Rules of Civil Procedure.
3. Applicants have no separate or cognizable right or interest in the subject matter of this action which is different from that of Plaintiffs or Defendants. Applicants, by their Motion, allege a constitutional interest (to "congressional and legislative redistricting in accordance with the legislative process") which interest does not exist in law.
4. Plaintiffs and/or Defendants will adequately represent Applicants' claimed interest.

5. Applicants' alleged claim of interest can be protected by a motion by Applicants to appear *amicus curiae*.

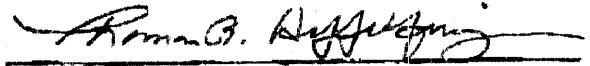
6. Based on Applicants' Motion, Applicants appear to want to intervene in this action solely for the purpose of seeking a delay in the adoption of a constitutionally valid plan for congressional and legislative redistricting. Applicants seek to halt judicial action until after the Minnesota Legislature has further time to act on redistricting. However, absent a special session, the Minnesota Legislature will not reconvene until January 29, 2002. This date does not provide sufficient time to pass a constitutionally valid legislative and congressional redistricting plan and to allow cities and counties to engage in their own redistricting efforts before convening of precinct caucuses.

7. Neither Defendants nor Applicants have submitted an Answer to Plaintiff's Complaint. Therefore, the Court is unable to determine whether any of Applicant's claimed defenses are consistent, inconsistent or common with or to those asserted by the present Defendants.

8. Applicants seek to deny entry of a Scheduling Order. If the Court fails to issue a Scheduling Order to move this matter forward, such failure is an effective dismissal of this action. Therefore, Applicants' Motion appears to be a veiled attempt to effectively act as a motion for dismissal of the case. This Court, in the exercise of its discretion under Minnesota Rule of Civil Procedure 24.02, should not allow Applicants to intervene in this action for the sole purpose of prejudicing the adjudication of the rights of the original parties.

Dated: August 15, 2001

BEST & FLANAGAN, LLP



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Dated: August 15, 2001

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