
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.

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' MEMORANDUM
IN SUPPORT OF MOTION TO
STRIKE APPLICANTS'
MEMORANDUM IN OPPOSITION TO
PLAINTIFFS' MOTION FOR ENTRY
OF SCHEDULING ORDER**

Plaintiffs 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 (collectively, "Plaintiffs"), submit this memorandum in support of their Motion to Strike the Memorandum of Congressman Martin Olav Sabo, Congressman James L. Oberstar, Congressman William P. Luther, Congresswoman Betty McCollum, Senator Roger D. Moe and Representative Thomas W. Pugh (collectively, "Applicants") in Opposition to Plaintiffs' Motion for a Scheduling Order.

SUMMARY

Applicants are not parties to this litigation and should not be heard in opposition to Plaintiff's Motion for Scheduling Order.

ARGUMENT

Rule 24.03 of the Minnesota Rules of Civil Procedure provides the proper procedure for a motion to intervene:

A person desiring to intervene shall serve on all parties to the action and file a notice of intervention which shall state that in the absence of objections by an existing party to the action within 30 days after service thereof upon the party, such intervention shall be accomplished. . . Within 30 days after service upon the party seeking to intervene of a notice of objection to intervention, the party shall serve a motion to intervene upon all parties as provided in Rule 5 (emphasis added).

On August 10, 2001, counsel for Applicants served on Defendants via facsimile a Memorandum in Opposition to Plaintiffs' Motion for Entry of Scheduling Order, seeking to intervene and appear before the Special Redistricting Panel ("Panel") in opposition to Plaintiffs' Motion for Entry of Scheduling Order. In response, Plaintiffs have filed and served upon Applicants a Notice of Objection to Intervention in compliance with Minnesota Rules of Civil Procedure Rule 24.03.

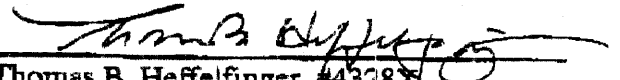
Accordingly, Applicants must now serve and file a motion to intervene, along with a pleading setting forth the "nature and extent" of each defense as to which intervention is sought. Unless Applicants' motion to intervene is heard and affirmatively granted by the Panel, Applicants are not parties to this litigation. Therefore, Applicants' Memorandum should be stricken and not considered by the Panel.

CONCLUSION

In conclusion, Applicants are not parties to this litigation and have not been granted permission by the Court to intervene in this litigation. Applicants must not be permitted to delay the Minnesota redistricting process by opposing Plaintiffs' Scheduling Order Motion. For the foregoing reasons, Plaintiffs respectfully request that Applicants' Memorandum be stricken and Applicants not be permitted to oppose Plaintiffs' Scheduling Order Motion.

Dated: August 15, 2001

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Dated: August 15, 2001

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