

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF ANOKA

TENTH JUDICIAL DISTRICT

Case Type: Other Civil

Minnesota Voters Alliance; Mary Amlaw;
Ken Wendling; Tim Kirk,

Court File No. 02-CV-23-3416
(Judge Thomas Lehmann)

Petitioners,

vs.

**STATE RESPONDENTS'
NOTICE OF MOTION AND
MOTION TO DISMISS**

Tom Hunt, in his official capacity as elections official for Anoka County; Steve Simon, in his official capacity as Secretary of State; Anoka County; the Office of the Minnesota Secretary of State; Shannon Reimann, in her official capacity as chief executive officer of the Minnesota Correctional Facility – Lino Lakes,

Respondents.

TO: Petitioners Minnesota Voters Alliance, Mary Amlaw, Ken Wendling, and Tim Kirk, through their attorneys Douglas P. Seaton and James V. F. Dickey, Upper Midwest Law Center, 8421 Wayzata Boulevard, Suite 300, Golden Valley, Minnesota 55426.

NOTICE OF MOTION

Please take notice that, at 8:30 A.M. on August 24, 2023, before the Honorable Thomas Lehmann via videoconference (link to be provided by the Court), Respondents Steve Simon, the Office of the Minnesota Secretary of State, and Shannon Reimann (collectively “State Respondents”) will move the Court for entry of an order as set forth below.

MOTION

Pursuant to Minn. R. Civ. P. 12.02(a) and (e), the State Respondents respectfully move the Court for an order dismissing the petition. This motion to dismiss is in lieu of an answer and is made on the grounds that the Court lacks subject-matter jurisdiction over this action and the petition fails to state a claim upon which relief can be granted. The motion is based on a

memorandum of law to be filed at a later date in accordance with the deadlines set forth in Minn. R. Gen. Pract. 115.03, and on all of the files, records, and proceedings herein.

Dated: July 20, 2023

Respectfully submitted,

KEITH ELLISON
Attorney General
State of Minnesota

/s/Allen Cook Barr

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STEVE SIMON, THE OFFICE OF
THE MINNESOTA SECRETARY OF STATE,
AND SHANNON REIMANN