

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF ANOKA

TENTH JUDICIAL DISTRICT

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

**RESPONDENTS TOM HUNT
AND ANOKA COUNTY'S MEMORANDUM
OF LAW IN SUPPORT OF SEPARATE
MOTION TO DISMISS**

Petitioners,

vs.

Tom Hunt, Steve Simon, Anoka County,
The Office of the Minnesota Secretary of State,
and Shannon Reimann,

Respondents

Dist. Ct. File No. 02-CV-23-3416
Case Type: Other Civil

Respondents Tom Hunt and Anoka County (the “Anoka Respondents”) move this Court for an order dismissing Petitioners’ petition under Rules 12.02(a) and 12.02(e) of the Minnesota Rules of Civil Procedure. This Court lacks jurisdiction over the subject matter of this petition and the petition fails to state a claim upon which relief can be granted. Specifically, Petitioners lack standing to bring the claims asserted in the petition against the Anoka Respondents and the relief requested by Petitioners is not proper under Minnesota law.

In support of their separate motion to dismiss, the Anoka Respondents join in and hereby incorporate by reference Section I of the memorandum of law filed by Respondents Steve Simon, the Office of the Minnesota Secretary of State, and Shannon Reimann (the “State Respondents”). Section I of that memorandum explains why Petitioners lack standing to bring the claims asserted in the Petition and the reasons why Petitioners’ request for a writ of quo warranto fails as a matter

of law. Rather than brief those issues separately, the Anoka Respondents incorporate by reference the arguments made by the State Respondents as if those arguments were fully set forth herein.

The Anoka Respondents do not join in the remainder of the State Respondents' Memorandum of Law because the rest of that brief addresses the merits of Petitioners' allegations. Petitioners have challenged the constitutionality of a law passed by the Minnesota Legislature. The Anoka Respondents take no position as to whether that law is constitutional or not. The Anoka Respondents' role under state law is to comply with the laws passed by the Legislature, which are presumed constitutional until a court rules otherwise. The Anoka Respondents will enforce the challenged law as written unless and until this Court rules that law to be unconstitutional.

Dated: October 2, 2023

BRAD JOHNSON
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By /s/ Jason J. Stover

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