

**FILED**

May 31, 2022

**OFFICE OF  
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

A21-0243

A21-0546

Peter S. Wattson, Joseph Mansky, Nancy  
B. Greenwood, Mary E. Kupper, Douglas  
W. Backstrom and James E. Hougas, III,  
Individually and on behalf of all citizens and  
voting residents of Minnesota similarly  
situated, and League of Women Voters  
Minnesota,

Plaintiffs,

and

Paul Anderson, Ida Lano, Chuck Brusven,  
Karen Lane, Joel Hineman, Carol Wegner,  
and Daniel Schonhardt,

Plaintiff-Intervenors

vs.

Steve Simon, Secretary of State of Minnesota;  
and Kendra Olson, Carver County Elections  
and Licensing Manager, individually and on  
behalf of all Minnesota county chief election  
officers,

Defendants,

and

Frank Sachs, Dagny Heimisdottir, Michael  
Arulfo, Tanwi Prigge, Jennifer Guertin,  
Garrison O'Keith McMurtrey, Mara Lee  
Glubka, Jeffrey Strand, Danielle Main, and  
Wayne Grimmer,

Plaintiffs,

and

**CARVER COUNTY ELECTIONS &  
LICENSING MANAGER  
KENDRA OLSON'S  
MEMORADUM IN OPPOSITION TO  
MOTION FOR ATTORNEY FEES  
FROM THE WATTSON PLAINTIFFS  
AND ANDERSON INTERVENORS**

Dr. Bruce Corrie, Shelly Diaz, Alberder  
Gillespie, Xiongpaoo Lee, Abdirazak  
Mahboub, Aida Simon, Beatriz Winters,  
Common Cause, OneMinnesota.org, and  
Voices for Racial Justice,

Plaintiff-Intervenors,

vs.

Steve Simon, Secretary of State of Minnesota,

Defendant.

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This memorandum is being submitted in opposition to the attorney fee requests made by the Wattson Plaintiffs and the Anderson Intervenors. The Sachs Plaintiffs specifically did not name Kendra Olson as a defendant in their Petition for the appointment of a Special Redistricting Panel and as such Defendant Olson is not a responsible party for those fees and does not take a position with regards to their motion and application for costs.

**I. DEFENDANT KENDRA OLSON AGREES WITH THE ARGUMENTS PRESENTED BY THE SECRETARY SIMON.**

Defendant Kendra Olson agrees with and adopts the arguments presented by the Secretary of State in opposing the motions presented by the Wattson Plaintiffs and the Anderson Intervenors. In an effort to minimize duplication of the arguments, Defendant Olson incorporates those arguments related to the Wattson Plaintiffs and the Anderson Intervenors herein by reference.

**II. IF ATTORNEY FEES ARE AWARDED THE COURT SHOULD ONLY, IN THE INTEREST OF JUSTICE AND EQUITY, ASSESS THE FEES UPON THE SECRETARY OF STATE.**

Defendant Olson, to the extent this court allows attorney fees would request, in the

interests of justice and equity, that the fees only be imposed on the Secretary of State. The Court's work on this file has created a benefit for all of the citizens in Minnesota, not just those people living in Carver County, and assessing these fees on Carver County would create an unjust result for the citizens in Carver County.

The 2020 U.S. Census reported that the State of Minnesota has a population of 5,706,494 people. Carver County has a population of 106,922 people or about 1.88 percent of the entire population of the State of Minnesota. Aff. K. Olson (May 31, 2022). If this Court imposes the fees requested by the Wattson and Anderson parties, Carver County would be required to pay up to \$650,380.09 in costs and fees. This is an unreasonable amount to impose on such a small segment of the population of Minnesota. The costs of this case, if any are imposed, should be assessed to all citizens and not just those located in Carver County. Carver County was brought into this case as a nominal party and only for purposes of ensuring that any order issued by the Court could be imposed on all County Auditors/Chief Election Officers across the State.

Carver County, while being very fiscally prudent, does not have unlimited reserves. Unlike the State of Minnesota, Carver County is not able to impose taxes on income. Carver County receives the majority of its funding from its local property tax levy. County funding sources also include a mixture of federal and state sources, but these funds are generally earmarked to specific programs or projects.

If the full amount of these fees is entered as a judgment against Defendant Olson the Carver County property tax levy would have to be increased by 1.03%. Aff. D. Frischmon (May 31, 2022). Additionally, if this Court imposes an attorney fee judgment upon the citizens of Carver County, it could have an impact on our bond ratings

according to the County's Financial Consultant from Ehlers, Inc. Aff. D. Frischmon (May 31, 2022). This impact would result in higher bonding costs and higher property tax costs over the next several years.

### CONCLUSION

The interest of justice and equity require this court to impose these attorney fees on all persons living in the State of Minnesota. The only way to equitably distribute these fees is to impose them only on the Secretary of State as his budget is set by the legislature with an allocation from the State's general fund. The results produced by this Court have benefited everyone in Minnesota, not just those people living in Carver County. Imposing this fee on Carver County would have a significant impact on our property tax levy and it could have a negative impact on our bond rating. As such, Defendant Kendra Olson, in the interests of justice and equity, requests that this court, if it is going to impose a fee award, only impose it on the Secretary of State.

Dated: May 31, 2022

Respectfully submitted,

MARK METZ  
CARVER COUNTY ATTORNEY

*/s/ Jennifer K. Tichey*

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