

STATE OF MINNESOTA  
SPECIAL REDISTRICTING PANEL

A11-152

---

Sara Hippert, Dave Greer, Linda Markowitz, Dee  
Dee Larson, Ben Maas, Gregg Peppin, Randy  
Penrod and Charles Roulet, individually and on  
behalf of all citizens of Minnesota similarly  
situated,

Plaintiffs,

v.

Mark Ritchie, Secretary of State of Minnesota;  
and Robert Hiivala, Wright County Auditor,  
individually and on behalf of all Minnesota  
county chief election officers,

Defendants.

---

**MOTION TO CONFIRM  
INTERVENTION OR, IN THE  
ALTERNATIVE, TO INTERVENE,  
AND FOR ADMISSION  
PRO HAC VICE**

Pursuant to Rule 24 of the Minnesota Rules of Civil Procedure and/or Scheduling Order No. 1 dated July 18, 2011, Kenneth Martin, Lynn Wilson, Timothy O'Brien, Irene Peralez, Josie Johnson, Jane Krentz, Mark Altenburg, and Debra Hasskamp, individually and on behalf of all citizens of Minnesota similarly situated (collectively, "Martin Intervenors"), move the Special Redistricting Panel ("the Panel") to confirm their previous intervention or, in the alternative, to grant their intervention, and to admit two of their attorneys *pro hac vice*.

The grounds for this motion are as follows:

1. Pursuant to Minn. R. Civ. P. 24.03, on May 23, 2011, Martin Intervenors filed a Notice of Intervention and a Complaint in Intervention in this matter with the

Wright County District Court, File No. 86-CV-11-433, and served all counsel of record with the same. A copy of the Notice of Intervention is attached as Exhibit A. A copy of the Complaint in Intervention is attached as Exhibit B. The Wright County Court Administrator accepted the filings and recorded the Martin Intervenors as Intervenors. A copy of the docket sheet for File No. 86-CV-11-433 is attached as Exhibit C.

2. No party to the proceeding filed or served any notice of objection to intervention within 30 days. Therefore, Martin Intervenors assert that intervention was accomplished as of June 22, 2011. Alternatively, if the 30 days to object began to run on June 1, 2011, when the Panel was appointed, Martin Intervenors assert that intervention was accomplished as of July 1, 2011.

3. Counsel for the Martin Intervenors understand that Scheduling Order No. 1 may contemplate that the Martin Intervenors' Notice of Intervention will be considered by the Panel as a motion for intervention. Without prejudice to their position that intervention has already been accomplished as a matter of law, the Martin Intervenors request that their intervention be confirmed or, in the alternative, that intervention be granted.

4. The Martin Intervenors are entitled to intervention as a matter of right under Minn. R. Civ. P. 24.01. They claim an interest relating to the subject of the action, both as voters and as members of the Democratic-Farmer-Labor Party of Minnesota ("DFL"), a "major political party" within the meaning of the Minnesota Election Law. Kenneth Martin is currently the chair of the DFL. The Martin Intervenors represent that they have the approval and encouragement of the DFL's leadership and political

officeholders, including the Governor, the DFL Caucuses of the Minnesota House of Representatives and the Minnesota Senate, and some (but not all) members of Congress.

5. The Martin Intervenors are so situated that the disposition of this action may as a practical matter impair or impede their ability to protect their interest. Plaintiffs represent the interests of the Republican Party of Minnesota, not the interests of the Martin Intervenors as voters or as representatives of the DFL.

6. For the same reasons, the Martin Intervenors are entitled to permissive intervention under Minn. R. Civ. P. 24.02. Their claims and the main action have common questions of law and fact. As do plaintiffs, the Martin Intervenors challenge the current constitutionality of the outdated plan of legislative districts and congressional districts established by the Minnesota Special Redistricting Panel in *Zachman v. Kiffmeyer*, No. C0-01-0160 (Order dated March 19, 2002).

7. Plaintiffs and defendants have not been, and would not be, prejudiced by the Martin Intervenors' intervention.

8. The Martin Intervenors further request that admission *pro hac vice* for counsel Marc Elias and Kevin Hamilton be confirmed or granted. A copy of the motion and supporting affidavits are attached hereto as Exhibit D.

9. Argument is requested only if this motion is opposed.

Dated: July 29, 2011

Respectfully submitted,



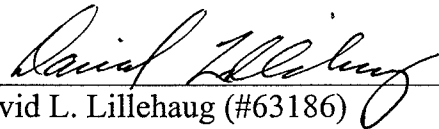
David L. Lillehaug (#63186)  
Christopher A. Stafford (#387971)  
FREDRIKSON & BYRON, P.A.  
200 South Sixth Street, Suite 4000  
Minneapolis, MN 55402-1425  
Telephone: (612) 492-7000  
Facsimile: (612) 492-7077

Marc E. Elias (DC Bar #442007)  
*(pro hac vice pending)*  
Kevin Hamilton (Wash. Bar #15648)  
*(pro hac vice pending)*  
PERKINS COIE LLP  
607 Fourteenth Street, N.W., Suite 800  
Washington, D.C. 20005-2011  
Telephone: (202) 628-6600

**ATTORNEYS FOR MARTIN  
INTERVENORS**

**ACKNOWLEDGMENT**

Movants, by their attorneys, acknowledge that sanctions may be imposed under Minn.  
Stat. § 549.211.



David L. Lillehaug (#63186)