

State of Minnesota

JUL 16 2012

**In the Supreme Court**

**FILED**

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**Warren Limmer, Steve Gottwalt, Dan Hall, Steve Drazkowski, Sean Nienow, Paul Gazelka, Julianne Ortman, Peggy Scott, Michelle Benson, Ernie Leidiger, Bob Dettmer, Glenn Gruenhagen, Bob Gunther, Joyce Peppin, and Mike Benson, all individuals, registered voters, and Members of the Minnesota Legislature; John Helmberger, an individual and a registered voter; and Minnesota for Marriage, an association of individuals and registered ballot committee,**

*Petitioners,*

vs.

**Mark Ritchie, in his official capacity as Secretary of State of the State of Minnesota, and Lori Swanson, in her official capacity as Attorney General of the State of Minnesota.**

*Respondents.*

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**PETITION OF KURT ZELLERS AND MICHELLE FISCHBACH TO SERVE AS AMICI CURIAE AND JOIN BRIEF OF MATT DEAN AND DAVID H. SENJEM**

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TO: THE MINNESOTA SUPREME COURT

James S. Ballentine states as follows:

1. I am an attorney licensed to practice law in the State of Minnesota and I have been given authority to make this petition on behalf of Kurt Zellers, Speaker of the Minnesota House of Representatives, and Michelle Fischbach, President of the Minnesota Senate.

2. On Friday, July 13, 2012, this court granted the request of legislative leaders Matt Dean and David H. Senjem to file a brief as amici curiae in the above captioned matter. The proposed brief was, in turn, accepted by the court.

3. Speaker Zellers and President Fischbach seek to serve as amici curiae in this case, and wish to join the brief of fellow legislative leaders Matt Dean and David H. Senjem.

4. I represent all four parties, and all four parties have mutually consented to Speaker Zellers and President Fischbach joining the brief.

5. This request for permission to serve as amici curiae is made in the public interest on behalf of identified legislative leaders, their constituents, and the voters of Minnesota, who will vote “Yes” or “No” on the proposed marriage amendment.

6. The petitioners were involved as legislative leaders in putting the proposed marriage amendment on the November ballot and, therefore, have a significant interest in the outcome of this case.

7. I am aware that this court’s Thursday, July 12, 2012 deadline to request leave to serve as amicus curiae has passed. Petitioners, however, do not seek to file a separate brief; they merely wish to join the brief of legislative leaders Dean and Senjem. This petition causes no prejudice to the parties.

8. Petitioners respectfully request that they be allowed to participate in this case.

9. A copy of this petition has been sent to the parties via their attorneys by email and U.S. Mail:

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**COUNSEL FOR PETITIONERS**

*^ Lead Counsel*  
*\*\* Local Counsel*

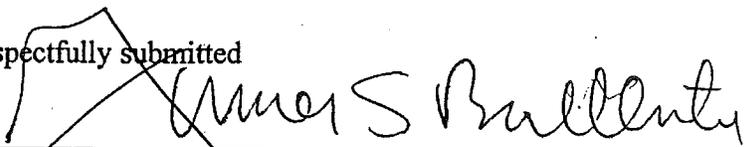
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**COUNSEL FOR RESPONDENTS**

I hereby acknowledge that sanctions may be  
awarded under Minn. Stat. § 549.211.

Respectfully submitted

By

  
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DATED: July 16, 2012

STATE OF MINNESOTA )  
 ) ss:  
COUNTY OF HENNEPIN )

OFFICE OF  
APPELLATE COURTS

JUL 16 2012

James S. Ballentine of the City of Minneapolis, County of Hennepin, in the State of Minnesota, being duly sworn upon oath, states and alleges that on the 16th day of July, 2012 he served the annexed **Petition of Kurt Zellers and Michelle Fishbach to Serve as Amici Curiae and Join Brief of Matt Dean and David H. Senjem** on the parties listed below by mailing to said parties copies thereof, enclosed in an envelope, postage prepaid and deposited in the post office at Minneapolis, Minnesota, directed to said parties at the last known address of said parties. Parties were also served via email. **FILED**

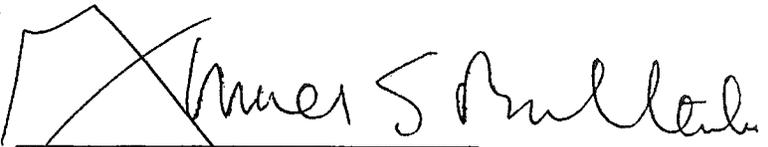
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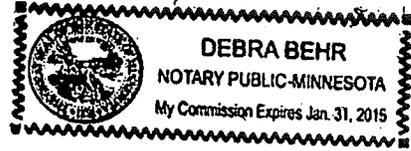
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James S. Ballentine

Subscribed and sworn to before  
me this 16th of July, 2012.

  
Notary Public



OFFICE OF  
APPELLATE COURTS

JUL 16 2012

FILED

James S. Ballentine  
80 South 8<sup>th</sup> Street, Suite 5120  
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July 16, 2012

Ms. Bridget C. Gernander  
Minnesota Supreme Court  
305 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King, Jr. Blvd.  
St. Paul, MN 55155

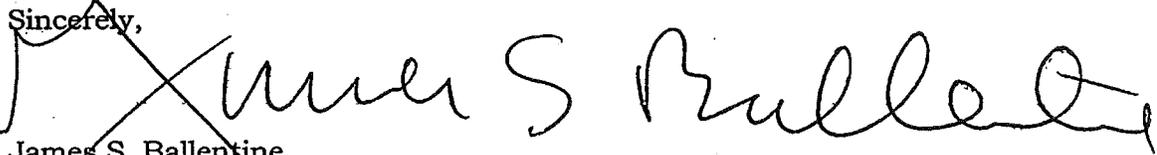
RE: Warren Limmer, et al v. Mark Ritchie, et al  
Court File No. A12-1149

Dear Ms. Gernander:

Enclosed for filing please find the original and fourteen copies of the Petition of Kurt Zellers and Michelle Fishbach to Serve as Amici Curiae and Join Brief of Matt Dean and David H. Senjem. Also enclosed is my Affidavit of Service.

I neglected to include the information required by MRCAP 129.03 in footnote 1 of the proposed *Amici* brief. No attorney for either party authored the brief in whole or in part. Finally, B&L Utility Co. and Teresa Collett paid costs associated with submitting the brief.

Sincerely,

  
James S. Ballentine  
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JSB/db  
Enclosure

cc: Per Affidavit of Service