

STATE OF MINNESOTA

IN SUPREME COURT

A11-1170

OFFICE OF
APPELLATE COURTS

JUN 30 2011

FILED

In re Government Shutdown Litigation

ORDER

Governor Mark Dayton has moved for an emergency order under Minn. R. Gen. Prac. 113.03 consolidating and assigning to a single judge four actions (listed in the attached Addendum) for declaratory, injunctive and other relief relating to continued funding of certain state functions in the event of a government shutdown caused by lack of appropriations for the biennium starting July 1, 2011. The actions are filed in three different judicial districts, the First, Second, and Tenth.

In the first-filed action, *In re Temporary Funding of Core Functions of the Executive Branch of the State of Minnesota*, Ramsey County District Court File No. 62-CV-11-5203, the Honorable Kathleen R. Gearin, Chief Judge of the Second Judicial District, filed an order on June 29, 2011 (the June 29 order), determining which functions of the executive branch should be funded pursuant to court order during a government shutdown. Chief Judge Gearin appointed a special master to hear and make recommendations to the court on disputed issues that may arise concerning application of the June 29 order.

The three additional actions listed in the Addendum were commenced after the filing

of the June 29 order, seeking various forms of relief that would essentially continue funding for state entities that would not be funded pursuant to the June 29 order in the event of a shutdown. A hearing was held in one of those cases yesterday. Hearings are scheduled in the other two cases today.

The Governor requests that these actions be consolidated and assigned to Chief Judge Gearin, on the basis that they involve common questions of law and fact, create the risk of inconsistent rulings, and impose an undue burden on judicial and party resources. The Governor further moves for a stay of proceedings in the additional cases until the motion for consolidation and assignment has been resolved. In the unusual circumstances of these matters expedited resolution of the motion is necessary, requiring expedited response to the motions.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. Any party wishing to respond in favor of or in opposition to the motion of Governor Dayton may file and serve a response not later than 12:00 noon today, June 30, 2011. No replies to the responses will be considered.
2. Parties may file their responses by e-mail to the Clerk of Appellate Courts at the following address: mjcappellateclerkofcourt@courts.state.mn.us. The original hard copy of a response filed by e-mail shall be submitted to the Clerk of Appellate Courts along with the original proof of service by postal mail.
3. The Clerk of Appellate Courts shall transmit a copy of this order to the chief judges of the First, Second, and Tenth Judicial Districts, the judges to whom the cases listed

in the Addendum are assigned, the court administrators for the district courts in which the actions listed in the Addendum are venued, and the parties' counsel.

Dated: June 30, 2011



Lorie S. Gildea
Chief Justice

ADDENDUM

In re Temporary Funding of Core Functions of the Executive Branch of the State of Minnesota,

Second Judicial District
Ramsey County District Court
File No. 62-CV-11-5203
Hon. Kathleen R. Gearin

Canterbury Park Holding Corporation, a Minnesota company, and Minnesota Horsemen's Benevolent & Protective Association, Inc., a Minnesota company vs. State of Minnesota and Jim Showalter, Commissioner of Minnesota Management & Budget

First Judicial District
Scott County District Court
Court File No. 70-cv-11-13433
Hon. Diane M. Hanson

Minnesota Zoological Gardens vs. Office of Minnesota Management & Budget

First Judicial District
Dakota County District Court
Court File No. 19HA-cv-11-3622
Hon. Jerome B. Abrams

Minnesota Harness Racing, Inc., and North Metro Harness Initiatives, LLC, d/b/a Running Aces Harness Park, vs. State of Minnesota and Jim Showalter, Commissioner of Minnesota Management & Budget

Tenth Judicial District
Anoka County District Court
Court File No. 02-cv-11-4462
Hon. Donald J. Venne
