

FILED
Court Administrator

STATE OF MINNESOTA

NOV 10 2008

DISTRICT COURT

COUNTY OF RAMSEY

By CW Deputy

SECOND JUDICIAL DISTRICT

Norm Coleman and Coleman for
Senate '08,

Plaintiffs.

vs.

ORDER

Cynthia Reichert, in her capacity as the
Director of Elections of the City of
Minneapolis; John Doe and Jane Doe,
Unnamed Minnesota county auditors or
Minnesota election officials,

Defendants.

62 CW 0811427

The above-entitled matter came on pursuant to a motion for a temporary restraining order filed by the plaintiffs on November 8, 2008.

Frederic Knaak, Esquire, Knaak & Kantrud, P.A., appeared on behalf of the Plaintiffs. Susan Segal, Minneapolis City Attorney, appeared on behalf of Defendant Cynthia Reichert and the Elections Bureau of the City of Minneapolis. David Lillehaug, Esquire, Fredrickson & Byron, P.A., appeared on behalf of Franklin for Senate Campaign.

Also present in the courtroom: Peter Ginder, Deputy Minneapolis City Attorney. Cynthia Reichert, Director of Elections of the City of Minneapolis. Steven Kaplan, Esquire, Fredrickson & Byron, P.A. Ezra W. Reese, Esquire, Perkins Coie, L.L.P. Greg Kryzer, Coleman for Senate '08 Campaign. Matthew Haapoja, Esquire, Frimble & Associates.

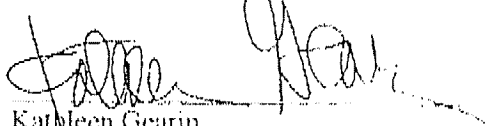
Based upon the files, records and proceedings herein, and after a review of relevant statutes, the Court makes the following Order:

1. The motion for a temporary injunction and/or a temporary restraining order filed by the Plaintiffs is denied for lack of jurisdiction.

DATED:

11-8-08

BY THE COURT


Kathleen Gearin
District Court Judge

MEMORANDUM

The matter was brought before the undersigned who is a judge in the Second Judicial District of the State of Minnesota. At this time, there has been no election contest lawsuit filed by anyone. If such a lawsuit is filed, it must be filed in Ramsey County District Court. After filing of a lawsuit, Minn.Stat. § 209.045 requires that the Ramsey County District Court Administrator send the complaint to the Chief Justice of the Minnesota Supreme Court. Minn.Stat. § 209.045 then states, "The case must be heard and determined in Ramsey County by three judges assigned by the Chief Justice of the Supreme Court." At this time, no lawsuit has been filed. It is this Court's opinion that unless and until a lawsuit is filed and three judges are assigned to that lawsuit by the Chief Justice, any motions or other lawsuits challenging a county canvassing board's procedures can only be heard in the county where a procedure is being challenged.

