

JAN 12 2010

FILED

STATE OF MINNESOTA

IN SUPREME COURT

**APPELLANTS' MOTION
FOR EXPEDITED REVIEW
IN SUPREME COURT**

Deanna Brayton, Darlene Bullock,
Forough Mahabady, Debra Branley,
Marlene Griffin and Evelyn Bernhagen,
on behalf of themselves and all others
similarly situated,

Respondents,

Trial Court Case No. 62-CV-09-11693

vs.

Appellate Court Case No. A10-64

Tim Pawlenty, Governor of the State
of Minnesota, Thomas Hanson,
Commissioner, Minnesota Department
of Management and Budget, Cal Ludeman,
Minnesota Department of Human Services,
and Ward Einess, Commissioner,
Minnesota Department of Revenue,

Appellants.

Appellants have petitioned for accelerated review of this appeal from the district court's judgment voiding the unallotment of funding this biennium for the Minnesota Supplemental Aid-Special Diet program. Appellants hereby move for expedited review of the appeal in the Supreme Court if their petition for accelerated review is granted. Respondents support this motion, just as they support granting accelerated review.

For the reasons set forth in the petition for accelerated review, and the motion for expedited consideration of the petition, it is in the public interest that this appeal be resolved on an expedited basis. Thus, pursuant to its authority under Minn. R. Civ. App. P. 102, the Court should set a shortened briefing schedule and an early date for oral argument upon granting accelerated review.

This course was followed in *State v. Philip Morris USA, Inc.*, 713 N.W.2d 350 (Minn. 2006), where the Court granted accelerated review of the December 2005 district court decision that created a potential deficit in the State budget by invalidating the Health Impact Fee. In granting accelerated review in January, the Court set a shortened briefing schedule and placed the case on its April oral-argument calendar. Order, No. A05-2540 (Jan. 19, 2006). The Court then issued its opinion in mid-May. Expedited review is even more appropriate here, given the much larger and more pressing fiscal consequences.

Accordingly, Appellants respectfully request that the Court set an expedited schedule for briefing and oral argument upon granting the petition for accelerated review.

Dated: January 12, 2010

Respectfully submitted,

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