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February 8, 2001

Honorable Kathleen Blatz
Chief Justice
Minnesota Supreme Court
424 Minnesota Judicial Center
25 Constitution Avenue
St. Paul, MN 55155

Via facsimile and United States Mail

Re: Cotlow et al. v. Grove (Kiffemeyer) et al.
Court file No. C8-91-985

Dear Chief Justice Blatz:

I represent Patty Cotlow and the other plaintiffs in the case entitled Cotlow et al. vs. Grove (Kiffemeyer) et al. Since my letter to you dated January 25, 2001 (copy enclosed), I have received copies of correspondence to you from Mike Hatch, Attorney General of Minnesota (January 26, 2001) and Thomas B. Heffelfinger (Feb. 5, 2001). In addition I have received a copy of Mr. Heffelfinger's Petition for Appointment of a Special Redistricting Panel for the purpose of hearing all redistricting issues. The purpose of this letter is to advise the court of the position of the Cotlow et al. plaintiffs on these matters and the reasons for that position.

First, my clients agree with Mr. Heffelfinger's conclusion that the matter is not premature. Ms. Cotlow has moved the Special Redistricting Panel to (a) reopen its prior Orders; (b) vacate its prior injunction; (c) declare the present legislative and congressional districts to be unconstitutional; and (d) hold the matter in abeyance pending expeditious legislative action. If the legislature timely adopts a constitutionally valid plan, there would be no further need for judicial intervention. If such a plan is not timely adopted, the court should then (but only then) proceed. The Motion is based on Rule 60.02 (e) and is supported by ample precedent. See eg. Jacobson v. County of Goodhue, 539 N.W. 2d 623 (Minn App 1995)

Second, my clients further agree with Mr. Heffelfinger's conclusion that the matter should be heard and determined by a Special Redistricting Panel. We have no idea why Mr. Heffelfinger sought to forum shop by bringing the case in Wright County in the first place. Such action was not wise and invited similar litigation in all 86 other

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counties. Fortunately he apparently has come to realize the merits of a Special Redistricting Panel and we join in that conclusion.

However, the Cotlow plaintiffs see absolutely no reason for appointing a new redistricting panel - the prior panel is fully able to perform its judicial functions. Its three members are competent, respected judges and, above all, they are experienced in this work. We see no reason to replace them. If any of them cannot serve, a replacement should be appointed. The undersigned is advised that Judge Lansing has written you that she may not be available to serve. While I did not receive that letter from her, plaintiffs have no doubt that Your Honor can find a similarly competent judge without partisanship to replace her.

Therefore, my clients request that you take the following action.

1. Issue an order postponing indefinitely the state's motion apparently pending in the Wright County District Court (which motion I have not seen).
2. Issue an order continuing and reappointing the special Redistricting Court originally appointed by Chief Justice Keith, renewing the services of Judges Maas and Walker as members of that panel and appointing a judge to replace Judge Lansing.
3. Transfer the Zachman matter to the Special Redistricting Panel's jurisdiction along with the Cotlow case. I note that the Zachman pleadings look very much the same as those previously filed in the Cotlow case.

For reasons of judicial economy and the avoidance of the appearance of judge shopping, both Plaintiff's Motion to Reopen pursuant to Rule 60 and the state's Motion to Dismiss the Zachman case should be heard and decided by the Special Redistricting Panel within the context of the Cotlow case, notwithstanding the subsequent Wright County action.

Respectfully Submitted,

Alan W. Weinblatt / mwn
ALAN W. WEINBLATT

FOR

WEINBLATT & GAYLORD PLC

AWW:mrn

Cc: Patty Cotlow et al.

Mike Hatch, *Attorney General*

Alan Gilbert, *Deputy Attorney*

Amy Klobuchar, *Hennepin County Attorney*

John D. French, *Esq.*

Tom Heffelfinger, *Esq.*

Enclosure