



STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL

MIKE HATCH
ATTORNEY GENERAL

August 10, 2001

SUITE 1100
445 MINNESOTA STREET
ST. PAUL, MN 55101-2128
TELEPHONE: (651) 282-5700

Frederick K. Grittner
Supreme Court Administrator
Supreme Court
305 Minnesota Judicial Center
25 Constitution Avenue
St. Paul, MN 55155-6102

OFFICE OF
APPELLATE COURTS

AUG 14 2001

FILED

Re: *Susan M. Zachman, et al. v. Mary Kiffmeyer, et al.*
No. C0-01-160

Dear Mr. Grittner:

Enclosed herewith for filing in the above-entitled matter are an original and five copies of the Response of the State of Minnesota to Petitioners' Motion for Entry of Scheduling Order, along with an affidavit of service. By copy of this letter, counsel for Petitioners, for Respondent Doug Gruber, and counsel in *Cotlow v. Growe* are being served.

Very truly yours,

ALAN I. GILBERT
Chief Deputy and Solicitor General

(651) 296-7519

Enc.

- cc: Thomas B. Heffelfinger (w/enc.)
- Charles R. Shreffler (w/enc.)
- Brian Asleson (w/enc.)
- Mark B. Peterson (w/enc.)
- Amy Klobuchar (w/enc.)
- John French (w/enc.)
- Alan Weinblatt (w/enc.)

AG:502333,v.01



No. C0-01-160

STATE OF MINNESOTA
SPECIAL REDISTRICTING PANEL

OFFICE OF
APPELLATE COURTS

AUG 14 2001

FILED

Susan M. Zachman, et al.,

Petitioners,

vs.

Mary Kiffmeyer, et al.,

Respondents.

**RESPONSE OF THE STATE OF
MINNESOTA TO PETITIONERS'
MOTION FOR ENTRY OF
SCHEDULING ORDER**

The State of Minnesota submits this response to Petitioners' motion for entry of their proposed scheduling order. Petitioners' proposed schedule is based on a deadline of January 1, 2002 for the Legislature to enact a redistricting plan, rather than the statutory deadline of March 19, 2002.

Under Minn. Stat. § 204B.14 (2000), the Legislature has until March 19, 2002 to complete legislative redistricting. In her Order appointing this Panel, Chief Justice Blatz cited the statutory deadline in requiring the Panel to release a redistricting plan "only in the event a legislative redistricting plan is not enacted in a timely manner." Order of July 12, 2001, at 2. The Chief Justice also reiterated her direction to the Panel that "the primacy of the legislative role in the redistricting process be honored and that the judiciary not be drawn prematurely into that process." *Id.* at 1 (quoting Chief Justice's Order of March 2, 2001).

The State believes the Chief Justice's order properly respects the Legislature's judgment and process. Accordingly, the State believes this matter should proceed based on March 19, 2002 as the deadline for the Legislature to enact a redistricting plan.

This statutory deadline gives the Legislature the opportunity to deliberate and act for seven weeks after the 2002 legislative session begins, whereas Petitioners' proposed deadline would have the Panel release a redistricting plan weeks before the session even starts.

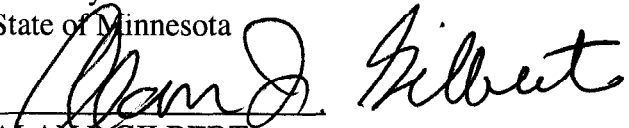
Petitioners' proposed scheduling order envisions four months of proceedings before the Panel, from early September 2001 to early January 2002. Applying the March 19, 2002 legislative deadline to this suggested four-month period would mean the first litigation deadline would not come until early November 2001. Thus, the Panel need not establish the specifics of a scheduling order at this early stage, but can defer those determinations until the Legislature has proceeded further with its work on redistricting. That would allow the Panel to set the specific provisions of a scheduling order with a more up-to-date and complete status of the Legislature's redistricting work, and would allow potential intervenors or other added parties to submit their views on the specifics of a scheduling order.

For these reasons, the State requests that a scheduling order be deferred at this time, or alternatively, if a scheduling order is issued that it provide the Legislature with the maximum opportunity to first exercise its redistricting authority.

Dated: 8/10/01

Respectfully submitted,

MIKE HATCH
Attorney General
State of Minnesota


ALAN I. GILBERT

Chief Deputy and Solicitor General
Atty. Reg. No. 34678
445 Minnesota Street, Suite 1100
St. Paul, Minnesota 55101-2128
(651) 282-5718

ATTORNEYS FOR RESPONDENT
STATE OF MINNESOTA

AFFIDAVIT OF SERVICE BY U.S. MAIL

Re: .Susan M. Zachman, et al. v. Mary Kiffmeyer, Secretary of State, et al.
Court File No. CO-01-160

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

BARBARA J. FEHRMAN, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on August 10, 2001, she caused to be served the **Response of the State of Minnesota to Petitioners' Motion for Entry of Scheduling Order**, by depositing the same in the United States mail at said city and state, true and correct copy(ies) thereof, properly enveloped with prepaid first class postage, and addressed to:

Thomas B. Heffelfinger (via facsimile also)
Best & Flanagan, LLP
4000 US Bank Place
601 Second Avenue South
Mpls., MN 55402-4331

Charles R. Shreffler
Shreffler Law Firm, P.A.
2116 Second Avenue South
Mpls., MN 55404-2606

Brian Asleson
Wright County Attorneys Office
10 Second Street N.W., 4TH Floor
Buffalo, MN 55313

Mark P. Peterson
MOSS & BARNETT
4800 Wells Fargo Center
90 South Seventh Street
Mpls., MN 55402

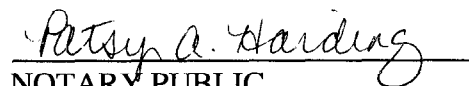
Amy Klobuchar
Hennepin County Attorney
2000 Courts Tower
Hennepin County Government Center
Mpls., MN 55487

Alan Weinblatt
Weinblatt & Gaylord, PLC
1616 Pioneer Building
336 North Robert Street
St. Paul, MN 55101

John French
Faegre & Benson
2200 Norwest Center
90 South 7th Street
Mpls., MN 55402-3901


BARBARA J. FEHRMAN

Subscribed and sworn to before me on
August 10, 2001


NOTARY PUBLIC
AG: 502427, v. 01

