

FILED  
Court Administrator

STATE OF MINNESOTA

NOV 12 2009

DISTRICT COURT

COUNTY OF RAMSEY

By BH Deputy

SECOND JUDICIAL DISTRICT

Case Type: Other Civil

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

Court File No. 62-CV-09-11693  
Chief Judge Kathleen R. Gearin

Plaintiffs,

**DEFENDANTS' NOTICE OF MOTION  
AND MOTION TO DISMISS**

vs.

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,

Defendants.

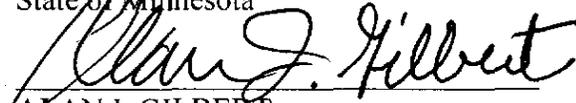
To: Plaintiffs and their attorneys of record.

PLEASE TAKE NOTICE that on a date and at a time to be determined, before the  
Honorable Kathleen R. Gearin, in Courtroom 1210 at the Ramsey County Courthouse, 15 West  
Kellogg, St. Paul, Minnesota, Defendants will move the Court for dismissal of Plaintiffs'  
complaint for failure to state a claim upon which relief can be granted.

This motion is brought pursuant to Minn. R. Civ. P. 12.02 and is based upon all the files,  
records and proceedings herein, including the memorandum of law to be filed and served in  
accordance with Minn. Gen. R. Prac. 115.03 or a briefing schedule set by the Court.

Dated: November 10, 2009

LORI SWANSON  
Attorney General  
State of Minnesota

  
ALAN I. GILBERT

Solicitor General  
Atty. Reg. No. 0034678

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ATTORNEYS FOR DEFENDANTS

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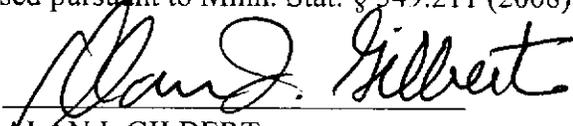
130 State Capitol  
75 Rev. Dr Martin Luther King Jr. Blvd.  
St Paul, MN 55155  
(651) 282-3705

ATTORNEY FOR DEFENDANT  
GOVERNOR TIM PAWLENTY

**MINN. STAT. § 549.211 ACKNOWLEDGMENT**

The parties on whose behalf the attached document is served acknowledge through their undersigned counsel that sanctions may be imposed pursuant to Minn. Stat. § 549.211 (2008).

Dated: November 10, 2009

  
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GOVERNOR TIM PAWLENTY**