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FAX 2/26/09

DOCUMENT

CASE TYPE: CIVIL
DISTRICT COURT

STATE OF MINNESOTA

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

In the Matter of the Contest of the General Election held on November 4, 2008, for the purpose of electing a United States Senator from the State of Minnesota,

File No. 62-CV-09-56

Cullen Sheehan and Norm Coleman,

Contestants,

NOTICE OF MOTION AND
MOTION BY JEFFREY
COX AND CITY OF DULUTH
TO QUASH SUBPOENA

v.

Al Franken,

Contestee.

NOTICE OF MOTION

TO: AL FRANKEN AND HIS ATTORNEY RICHARD D. SNYDER, ESQ. 200 S. 6TH ST. SUITE 4000, MPLS. MN. 55402.

PLEASE TAKE NOTICE: The Motion of Jeffrey Cox and the city of Duluth, as more fully specified below, will be heard by the Court on February 27, 2009 at 1:00 p.m. before the presiding judge in the above referenced matter at the Minnesota Justice Center, 25 Rev.Dr. Martin Luther King Jr. Blvd., St. Paul, MN. 55155, Courtroom 300.

MOTION

Jeffrey Cox and the city of Duluth moves the court pursuant to Rule 45.03 (c), Minn.R.Civ.P. for an order quashing the subpoena served by Franken upon Jeffrey Cox or in the alternative, ordering Franken to reimburse Cox and the City reasonable expenses in the

amount of \$1,151.50. The movants rely upon their Memorandum of Law and Affidavit of M. Alison Lutterman in support of their motion.

Dated this 21st day of February, 2009.

GUNNAR B. JOHNSON, City Attorney

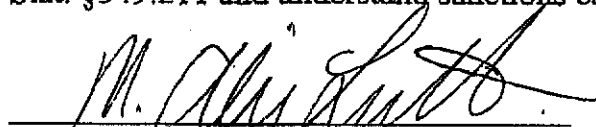
and



M. ALISON LUTTERMAN (#017676X)
Deputy City Attorney
Attorneys for Jeffrey Cox and
CITY OF DULUTH
410 City Hall
Duluth, Minnesota 55802
(218) 730-5490
(218) 730-5918 facsimile
alutterman@duluthmn.gov

ACKNOWLEDGMENT

Jeffrey Cox and the City of Duluth, by its legal counsel, acknowledge the provisions of Minn. Stat. §549.211 and understand sanctions can be imposed for a violation of this statute.


M. ALISON LUTTERMAN