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FILED
Court Administrator

STATE OF MINNESOTA
COUNTY OF RAMSEY

JAN 21 2009
By  Deputy

DISTRICT COURT
SECOND JUDICIAL DISTRICT
CASE TYPE: CIVIL OTHER

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

Case No. 62-CV-09-56

Cullen Sheehan and Norm Coleman,

Contestants,

**NOTICE OF HEARING AND
CONDITIONAL MOTION
FOR PARTIAL SUMMARY JUDGMENT
ON CERTAIN OF CONTESTEE'S
COUNTERCLAIMS**

vs.

Al Franken,

Contestee.

TO: Contestants Cullen Sheehan and Norm Coleman and their counsel, Joseph S. Friedberg, Esq., Suite 320, Fifth Street Towers, 150 South Fifth Street, Minneapolis, MN 55402; Frederic W. Knaak, Esq., Knaak & Kantrud, P.A., 3500 Willow Lake Boulevard, Vadnais Heights, MN 55110; Tony Trimble, Esq., Trimble & Associates, Ltd., Suite 130, 10201 Wayzata Boulevard, Minnetonka, MN 55305; and James K. Langdon, Esq., Dorsey & Whitney PLLP, 50 South Sixth Street, Suite 1500, Minneapolis MN 55402-1498.

NOTICE OF HEARING

PLEASE TAKE NOTICE that the undersigned will bring on for hearing on January 23, 2009 at 9:00 a.m. at the Ramsey County District Court, Ramsey County Courthouse, 15 West Kellogg Boulevard, St. Paul, Minnesota 55102, a Conditional Motion for Partial Summary Judgment on Certain of Contestee's Counterclaims.

MOTION

Contestee Al Franken conditionally moves this Court for an Order granting Partial Summary Judgment in favor of Contestee and against Contestants. This conditional motion is based on the Memorandum of Law and Affidavits filed with the Court and served upon the parties, together with relevant files and any evidence and arguments the Court may entertain.

Dated: January 21, 2009

Respectfully submitted,

PERKINS COIE LLP

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