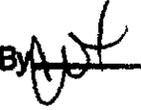


FILED  
Court Administrator

JAN - 9 2009

By  Deputy

A  
STATE OF MINNESOTA  
COUNTY OF RAMSEY

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,

vs.

Al Franken,

Contestee.

**CONTESTEE'S AL FRANKEN'S MOTION  
TO SET A PRETRIAL SCHEDULE AND  
FOR EXPEDITED DISCOVERY**

TO: Contestants Cullen Sheehan and Norm Coleman and their counsel, 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 Roger J. Magnuson, Esq., Dorsey & Whitney PLLP, 50 South Sixth Street, Suite 1500, Minneapolis MN 55402-1498.

**NOTICE OF MOTION**

PLEASE TAKE NOTICE, that on a date and at a time to be determined by the Court, and in a courtroom to be designated by the Court, the undersigned will apply for an order directing Contestants to respond to discovery as provided below.

**MOTION TO SET A PRETRIAL SCHEDULE AND  
FOR EXPEDITED DISCOVERY**

Contestee Al Franken hereby applies to the Court for an order as follows:

1. Establishing a pretrial schedule for the orderly preparation and presentation of this contest at trial commencing on January 26, 2009, as required by Minn. Stat. 209.065 ("The

contest proceedings must be brought on for trial by either the contestant or contestee as soon as practicable within 20 days after the filing of the notice of contest.”)

2. Authorizing expedited discovery requiring Contestants to respond in full to written discovery requests within three (3) calendar days of the date of service of such requests.

3. Permitting parties to notice depositions upon notice of at least three (3) calendar days.

4. Ordering such other relief concerning discovery in this matter as the Court deems appropriate for the prompt resolution of this matter.

This Application is brought pursuant to Minn. Stat. § 209.065, and under Rules 81.01(a), 30.01, 33.01(b) and 34.02 of the Minnesota Rules of Civil Procedure, and is based on Contestee’s Memorandum, the Notice of Contest, the affidavit of counsel, and all the files, records and proceedings herein.

Dated: January \_\_\_, 2009

PERKINS COIE, LLP

FREDRIKSON & BYRON, P.A.

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By   
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*Application for Admission Pro Hac Vice  
Pending*

*Attorneys for Contestee Al Franken*

**ACKNOWLEDGMENT**

The party upon whose behalf this pleading is submitted, by and through the undersigned, hereby acknowledges that sanctions may be imposed for a violation of Minn. Stat. § 549.211.

Dated: January 9, 2009

  
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