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
FILED
Court Administrator

STATE OF MINNESOTA

JAN 21 2009

DISTRICT COURT

COUNTY OF RAMSEY

By  Deputy

SECOND JUDICIAL DISTRICT

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

Court File No.: 62-CV-09-56

Cullen Sheehan and Norm Coleman,

Contestants,

vs.

NOTICE OF INTERVENTION

Al Franken,

Contestee,

and Paul Happe, Eugene C. Markman, Sharon Cook,
Joel Gregory Uldrych, Claudia Bernstein,
Michael J. Hall, and Sehwah Maggie Philips,

Intervenors.

TO: The Honorable judges of the above-named Court, Norm Coleman, Contestant,
Cullen Sheehan, Contestant; and Al Franken, Contestee.

PLEASE TAKE NOTICE that Paul Happe, Eugene C. Markman, Sharon Cook,
Joel Gregory Uldrych, Claudia Bernstein, Michael J. Hall, and Sehwah Maggie Philips
desire to collectively intervene in this action pursuant to Minn. R. Civ. P. 24.01 and
24.02; and that in the event of objection, they will move this Court for an order granting
leave to intervene as a party in this action as soon as the parties may be heard. In the
absence of objection by an existing party to this action within 30 days after service of
this notice on that party, such intervention shall be deemed to have been accomplished.

The Intervenors herein state and allege upon knowledge, information and belief
as follows:

1. The intervenors were fully entitled to vote as of the November 4, 2008 General Election. They cast proper absentee ballots for the 2008 election in Minnesota, including the race for United States Senator. Their votes were not counted. Their votes were originally set aside as improper by local election officials. After the recount for the Senate race began, their votes were reevaluated by local officials and determined to be proper. Pursuant to a ruling of the Minnesota Supreme Court on December 18, 2008, representatives of the campaigns of the contenders in the Senate race were allowed to unilaterally determine that their votes were improper, so that any corrections of these determinations would be made in legal proceedings subsequent to the recount. Thus the Intervenor's votes were not included in the recount.

2. Collectively, the Intervenor's claim an interest in the outcome of the above-entitled action and they are so situated that the disposition of the action may as a practical matter impair or impede their ability to protect their interests and their interests have not been and are not being adequately represented by the existing parties.

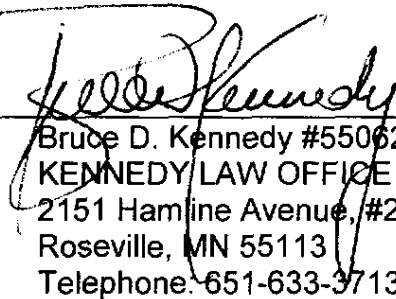
3. The Intervenor's have a common question of law and fact pertaining to the inclusion of their absentee ballots in the vote totals certified by the Minnesota State Canvassing Board in the November 4, 2008 General Election and permitting intervention in this action will not unduly delay or prejudice the adjudication of the rights of the original parties.

4. These votes were presumptively proper. These voters must now file legal pleadings in order to assure that their votes are counted. To require these voters to pay a filing fee or other costs would be unfair and unconstitutional. A state "violates the Equal Protection Clause of the Fourteenth Amendment whenever it makes the affluence of the voter or payment of any fee an electoral standard." *Harper v. Virginia Bd. of Elections*, 383 U. S. 663 (1966) at 666. A court evaluating a constitutional challenge to an election regulation should weigh the asserted injury to the right to vote against the " 'precise interests put forward by the State as justifications for the burden imposed by its rule.' " *Burdick v. Takushi*, 504 U. S. 428 (1992), at 434 (quoting *Anderson v. Celebrezze*, 460 U. S. 780 (1983)). The interest of the state in requiring that litigants contribute to the general fund is far outweighed by the right of each citizen to vote.

5. Attached are Exhibits A through G, affidavits of Intervenors.
WHEREFORE, the Intervenors pray for an Order and judgment of the above-named Court as follows:

1. That the Intervenors be allowed to intervene collectively as a party and prosecute their claims in this action.
2. That any costs advanced by Intervenors be refunded.
3. Granting such further relief as the court deems appropriate.

Dated: Jan 21, 2009

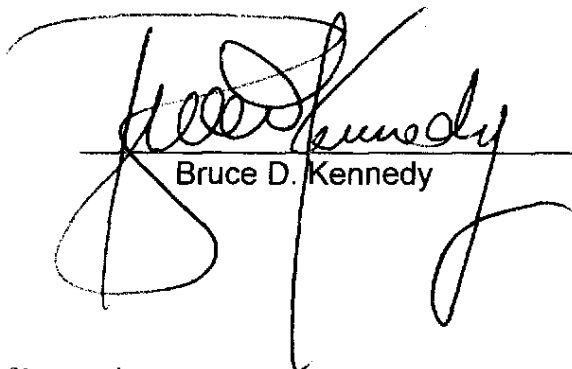

Bruce D. Kennedy #55062
KENNEDY LAW OFFICE
2151 Hamline Avenue, #206
Roseville, MN 55113
Telephone: 651-633-3713

COLLINS, BUCKLEY, SAUNTRY, & HAUGH, PLLP
Mark Priore #334996
W-1100 First National Bank Building
332 Minnesota Street
St. Paul, MN 55101
Telephone: 651-227-0611

Attorney for Intervenors

ACKNOWLEDGMENT

Intervenors through the undersigned counsel acknowledge that sanctions may be imposed under Minn. Stat. § 549.211.


Bruce D. Kennedy

AFFIDAVIT/DECLARATION OF Paul Happe
(Name)

COUNTY OF RESIDENCE AS OF NOVEMBER 4, 2008: Scott

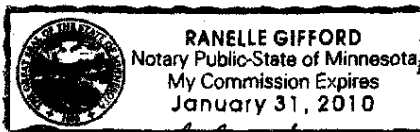
1. As of November 4, 2008, I was fully entitled to vote. I cast a proper absentee ballot for the 2008 election in Minnesota, including the race for United States Senator.
2. On approximately January 8, 2009, I received a letter from the Secretary of State of Minnesota, advising me that my vote was not counted.
3. I am aware that an election contest has been filed in the Senate race, but that provides no guarantee that my vote will be included. I want my vote to count.
4. If notarized below, this is my Affidavit. If not notarized, I declare under penalty of perjury that the foregoing is true and correct.

Signature: Paul Happe

Dated: 1/15/2009

Sworn and subscribed to before me

on this 15th day of January, 2009.



Ranelle Gifford
Notary Public
Page 1 of 1

EXHIBIT A

AFFIDAVIT/DECLARATION OF Eugene C. Markman
(Name)

COUNTY OF RESIDENCE AS OF NOVEMBER 4, 2008: STEARNS

1. As of November 4, 2008, I was fully entitled to vote. I cast a proper absentee ballot for the 2008 election in Minnesota, including the race for United States Senator.
2. On approximately January 8, 2009, I received a letter from the Secretary of State of Minnesota, advising me that my vote was not counted.
3. I am aware that an election contest has been filed in the Senate race, but that provides no guarantee that my vote will be included. I want my vote to count.
4. If notarized below, this is my Affidavit. If not notarized, I declare under penalty of perjury that the foregoing is true and correct.

Signature: Eugene C. Markman

Dated: 1-15-09

Sworn and subscribed to before me

on this 15th day of January, 2009.

Deborah Ann Pickartz
Notary Public
Page 1 of 1



EXHIBIT B

AFFIDAVIT/DECLARATION OF Sharon Cook
(Name)

COUNTY OF RESIDENCE AS OF NOVEMBER 4, 2008: Anoka

1. As of November 4, 2008, I was fully entitled to vote. I cast a proper absentee ballot for the 2008 election in Minnesota, including the race for United States Senator.
2. On approximately January 8, 2009, I received a letter from the Secretary of State of Minnesota, advising me that my vote was not counted.
3. I am aware that an election contest has been filed in the Senate race, but that provides no guarantee that my vote will be included. I want my vote to count.
4. If notarized below, this is my Affidavit. If not notarized, I declare under penalty of perjury that the foregoing is true and correct.

Signature: Sharon Cook

Dated: 1-20-09

Sworn and subscribed to before me
on this 20 day of January, 2009.

Bruce D. Kennedy
Notary Public
Page 1 of 1

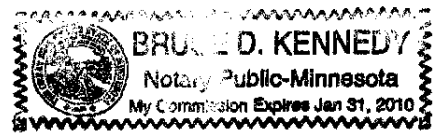


EXHIBIT C

AFFIDAVIT/DECLARATION OF Joel Gregory Wldoych
(Name)

COUNTY OF RESIDENCE AS OF NOVEMBER 4, 2008: Wright County

1. As of November 4, 2008, I was fully entitled to vote. I cast a proper absentee ballot for the 2008 election in Minnesota, including the race for United States Senator.
2. On approximately January 8, 2009, I received a letter from the Secretary of State of Minnesota, advising me that my vote was not counted.
3. I am aware that an election contest has been filed in the Senate race, but that provides no guarantee that my vote will be included. I want my vote to count.
4. If notarized below, this is my Affidavit. If not notarized, I declare under penalty of perjury that the foregoing is true and correct.

Signature: *Joel Wldoych*

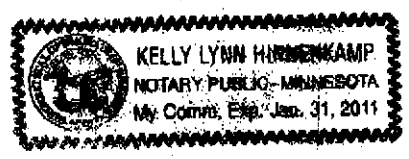
Dated: Jan. 20, 2009

Sworn and subscribed to before me

on this 20th day of January, 2009.

Kelly Lynn Hinzenkamp
Notary Public
Page 1 of 1

EXHIBIT D



AFFIDAVIT/DECLARATION OF Claudia Bernstein
(Name)

COUNTY OF RESIDENCE AS OF NOVEMBER 4, 2008: Hennepin

1. As of November 4, 2008, I was fully entitled to vote. I cast a proper absentee ballot for the 2008 election in Minnesota, including the race for United States Senator.
2. On approximately January 8, 2009, I received a letter from the Secretary of State of Minnesota, advising me that my vote was not counted.
3. I am aware that an election contest has been filed in the Senate race, but that provides no guarantee that my vote will be included. I want my vote to count.
4. If notarized below, this is my Affidavit. If not notarized, I declare under penalty of perjury that the foregoing is true and correct.

Signature: Claudia Bernstein

Dated: 1-15-2009

Sworn and subscribed to before me
on this 15th day of January, 2009.

Brian J. Knuttla
Notary Public
Page 1 of 1

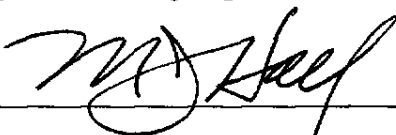


EXHIBIT E

AFFIDAVIT/DECLARATION OF MICHAEL J. HALL
(Name)

COUNTY OF RESIDENCE AS OF NOVEMBER 4, 2008: HENNEPIN

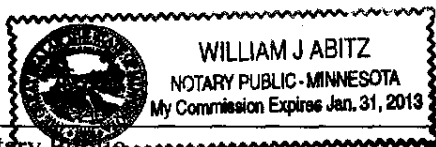
1. As of November 4, 2008, I was fully entitled to vote. I cast a proper absentee ballot for the 2008 election in Minnesota, including the race for United States Senator.
2. On approximately January 8, 2009, I received a letter from the Secretary of State of Minnesota, advising me that my vote was not counted.
3. I am aware that an election contest has been filed in the Senate race, but that provides no guarantee that my vote will be included. I want my vote to count.
4. If notarized below, this is my Affidavit. If not notarized, I declare under penalty of perjury that the foregoing is true and correct.

Signature: 

Dated: 16 January 2009

Sworn and subscribed to before me

on this 16 day of January, 2009.



Notary Public
Page 1 of 1 W. J. Abitz

EXHIBIT E

AFFIDAVIT/DECLARATION OF ~~Sharon M. Benson~~ sehwah Maggie Philips
(Name)

COUNTY OF RESIDENCE AS OF NOVEMBER 4, 2008: Hennepin

1. As of November 4, 2008, I was fully entitled to vote. I cast a proper absentee ballot for the 2008 election in Minnesota, including the race for United States Senator.
2. On approximately January 8, 2009, I received a letter from the Secretary of State of Minnesota, advising me that my vote was not counted.
3. I am aware that an election contest has been filed in the Senate race, but that provides no guarantee that my vote will be included. I want my vote to count.
4. If notarized below, this is my Affidavit. If not notarized, I declare under penalty of perjury that the foregoing is true and correct.

Signature: sehwah Maggie Philips

Dated: 1/21/09

Sworn and subscribed to before me

on this 21 day of January, 2009.

Sharon M. Benson
Notary Public
Page 1 of 1

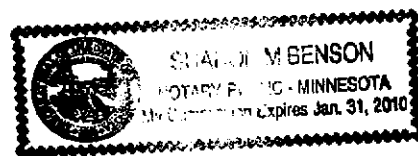


EXHIBIT 9

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

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

Court File No.: 62-CV-09-56

Cullen Sheehan and Norm Coleman,

Contestants,

vs.

AFFIDAVIT OF SERVICE BY MAIL

Al Franken,

Contestee,

and Paul Happe, Eugene C. Markman, Sharon Cook,
Joel Gregory Uldrych, Claudia Bernstein,
Michael J. Hall, and Sehwah Maggie Philips,

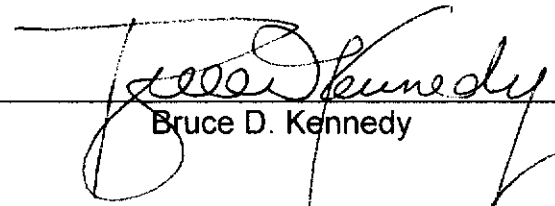
Intervenors.

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Bruce D. Kennedy, being first duly sworn, deposes and says that on January 21, 2009, he served the attached Notice of Intervention upon the attorneys for contestants and contestee by mailing a copy thereof to:

DAVID L LILLEHAUG FREDRIKSON & BYRON 4000 PILLSBURY CENTER 200 S 6 TH ST MINNEAPOLIS MN 55402-1425	TRIMBLE & ASSOCIATES, LTD. TONY P. TRIMBLE MATTHEW W. HAAPOJA 10201 WAYZATA BLVD, SUITE 130 MINNETONKA, MN 55305
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and by email to the following addresses: dlillehaug@fredlaw.com, magnuson.roger@dorsey.com, langdon.jim@dorsey.com, Khamilton@perkinscoie.com, fknaak@klaw.us, rock.john@dorsey.com, elizabeth.hayden@courts.state.mn.us, kurt.marben@courts.state.mn.us, denise.reilly@courts.state.mn.us, joefriedberg@hotmail.com, cnnauen@locklaw.com



Bruce D. Kennedy

Subscribed and sworn to before me
this 21st day of Jan 2009.



Notary Public

