No. A06-1871

STATE OF MINNESOTA
IN SUPREME COURT

OFFICE OF
APPELLATE COURTS

OCT 18 2006

FILED

Tim Breza, Larry Buboltz, Dan Dorman, Morrie Lanning, Michael Lang, Keith Langseth, Jerry Miller, H. Dan Ness, Tom Rukavina, Kathy Serva, Erik Sorensen, Mark Voxland, Lauri Winterfeldt-Shanks,

Petitioners,

vs.

Mary Kiffmeyer, Minnesota Secretary of State,

Respondent.

PETITION FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT

TO: The Supreme Court of the State of Minnesota:

Pursuant to Minnesota Civil Appellate Rule 129.04, petitioners Representative Ron Erhardt, the Minnesota Center for Environmental Advocacy, and the Minnesota Chamber of Commerce ("Amici Petitioners"), request leave to participate in oral argument in the above-captioned proceeding in support of the brief they filed with the Court on October 13, 2006.

Amici Petitioners do not need the Court to expand the total time for oral argument beyond the thirty minutes already allocated to Respondent Kiffmeyer. Counsel for

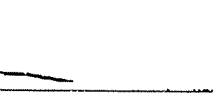
Respondent Kiffmeyer has agreed to cede a portion of his oral argument time to the Amici Petitioners. The Secretary of State and Amici Petitioners will inform the Court of the time allocation between their respective parties at oral argument on October 25, 2006, unless the Court requests specification at an earlier time.

The Amici Petitioners base their request to participate in oral argument on the same grounds cited in their Petition for Leave to Participate, filed with the Court on October 13, 2006. Additionally, the arguments in the briefs of Respondent Kiffmeyer and the Amici Petitioners address different subject areas, each of which is potentially dispositive of the issues before the Court. Given these differences, Amici Petitioners believe that oral argument on the issues raised in their brief will assist the Court in resolving this matter.

Counsel for Petitioners Breza et al. does not oppose Amici Petitioners' request to participate, and supports a full hearing on all arguments before the Court.

Dated: October 19, 2006

FAEGRE & BENSON LLP



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