

OCT - 6 2006

FILED

STATE OF MINNESOTA

IN SUPREME COURT

A06-1871

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

Petitioners,

vs.

Mary Kiffmeyer, Minnesota Secretary of State,

Respondent.

O R D E R

Petitioners have filed a petition pursuant to Minn. Stat. § 204B.44 (2004) asking this court to enjoin respondent from holding an election on November 7, 2006, on a ballot question concerning amendment of Article XIV of the Minnesota Constitution. Petitioners allege that the ballot question as enacted by the legislature is invalid because it is misleading and deceptive.

Based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. Petitioners shall file with the Clerk of Appellate Courts and serve on respondent not later than 4:30 p.m., Tuesday, October 10, 2006, a memorandum of law addressing why this petition could not have been filed at an earlier time and whether laches should apply. *See Peipho v. Bruns*, 652 N.W.2d 40, 43 (Minn. 2002); *Moe v. Alsop*, 288 Minn. 323, 331, 180 N.W.2d 255, 260 (1970).

2. Respondent shall file with the Clerk of Appellate Courts and serve on petitioners her written response to the petition, if any, and any supporting materials no later than 4:30 p.m., Friday, October 13, 2006. Respondent shall inform the court of the date by which a decision of this court is necessary in order to effect any change in the ballot for the November 7 election.

3. Petitioners may file and serve a reply memorandum in response to respondent's submissions no later than 4:30 p.m., Tuesday, October 17, 2006.

4. The court will advise the parties of the date, time, location and format of a hearing.

5. Parties shall file an original and eight copies of any submission to the court, in the form provided in Minn. R. Civ. App. P. 132.02, except that text and footnotes shall appear in at least 13 point type or its equivalent.

6. Service and filing by mail is permissible if a complete copy of the material is also transmitted electronically by facsimile to all parties and the Clerk of Appellate Courts by the deadlines imposed herein. Each party shall notify the Clerk of Appellate

Courts and opposing counsel of a fax number to which documents may be transmitted.

The facsimile number for the Clerk of Appellate Courts is 651-297-4149.

Dated: October 6, 2006

BY THE COURT:

A handwritten signature in black ink, appearing to read "Russell A. Anderson", written over a horizontal line.

Russell A. Anderson  
Chief Justice