

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

MIKE HATCH ATTORNEY GENERAL

October 17, 2001

SUITE 1100 445 MINNESOTA STREET ST. PAUL, MN 55101-2128 TELEPHONE: (651) 282-5700

Frederick K. Grittner Clerk of Appellate Courts 305 Minnesota Judicial Center 25 Constitution Avenue St. Paul, MN 55155-6102 APPELLATE COLLETS

OCT 17 2001

FILED

albert

Re:

Susan M. Zachman, et al. v. Mary Kiffmeyer, Secretary of State, et al.

No. C0-01-160

Dear Mr. Grittner:

Enclosed please find an original and nine copies of the Statement of Unresolved Issues of Defendant Kiffmeyer and an affidavit of service of this document upon counsel of record.

Very muly yours,

ALAN I. GILBERT

Chief Deputy and Solicitor General

(651) 296-7519

Enc.

cc:

All counsel of record

## STATE OF MINNESOTA SPECIAL REDISTRICTING PANEL C0-01-160

APPELLATE COLLETS

OCT 17 2001

FILED

Susan M. Zachman, et al., individually and on Behalf of all citizens and voting residents of Minnesota similarly situated,

Plaintiffs.

and

Patricia Cotlow, et al., individually and on behalf of all citizens and voting residents of Minnesota similarly situated,

Plaintiffs-Intervenors,

STATEMENT OF UNRESOLVED ISSUES

and

Jesse Ventura,

Plaintiff-Intervenor,

and

Roger D. Moe, et al.,

Plaintiffs-Intervenors,

vs.

Mary Kiffmeyer, Secretary of State of Minnesota, and Doug Gruber, Wright County Auditor, individually and on behalf of all Minnesota county chief election officers,

Defendants.

In the Panel's Order of October 9, 2001, the parties were directed to file a Statement of Unresolved Issues concerning any item upon which a stipulation could not be reached. The parties have been unable to reach agreement concerning the last date in the Panel's proposed timetable. The Panel set forth March 19, 2002 as the date for the issuance of the final order and redistricting plan. It is the State's position that March 19, 2002 is the appropriate date.

The Chief Justice, in her Order of March 2, 2001, at page 5, stated that ". . . it is important that the primacy of the legislative role in the redistricting process be honored . . ." Similarly, in her Order establishing this Panel, the Chief Justice directed the Panel to release a redistricting plan "only in the event a legislative redistricting plan is not enacted in a timely manner." Order of July 12, 2000, at page 2. In the latter Order the Chief Justice cited specifically Minn. Stat. § 204B.14 (2000), which provides for various dates governing the redistricting process. In particular, Minn. Stat. § 204B.14, subd. 1a (2000) provides that the legislature will complete the redistricting process by no later than 25 weeks before the 2002 state primary election. That date is March 19, 2002. Accordingly, the date selected by the Court for its decision appropriately gives the legislature the maximum opportunity to perform its constitutional duties. This result is consistent with applicable law and the Orders of the Chief Justice, which established the judicial proceeding in this matter.

Dated: /0/17/0/

Respectfully submitted,

MIKE HATCH Attorney General State Minnesota

ALAN I. GILBER'T

Chief Deputy and Solicitor General

Atty. Reg. No. 34678

MARK B. LEVINGER Assistant Attorney General Atty. Reg. No. 62686

445 Minnesota Street, Suite 1100 St. Paul, Minnesota 55101-2128 (651) 282-5718 (Voice) (651) 296-1410 (TTY)

ATTORNEYS FOR DEFENDANT MARY KIFFMEYER, SECRETARY OF STATE OF MINNESOTA

## STATE OF MINNESOTA SPECIAL REDISTRICTING PANEL C0-01-160

Susan M. Zachman, et al., individually and on Behalf of all citizens and voting residents of Minnesota similarly situated,

Plaintiffs,

and

Patricia Cotlow, et al., individually and on behalf of all citizens and voting residents of Minnesota similarly situated,

Plaintiffs-Intervenors,

STATEMENT OF UNRESOLVED ISSUES

and

Jesse Ventura.

Plaintiff-Intervenor,

and

Roger D. Moe, et al.,

Plaintiffs-Intervenors.

vs.

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Dated:  $\frac{\sqrt{0}}{17}\sqrt{0}$ 

Respectfully submitted,

MIKE HATCH
Attorney General
State of Minnesota

ALANI. GILBERT

Chief Deputy and Solicitor General

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ATTORNEYS FOR DEFENDANT MARY KIFFMEYER, SECRETARY OF STATE OF MINNESOTA

## AFFIDAVIT OF SERVICE BY FACSIMILE TRANSMISSION AND U.S. MAIL

Re: Susan M. Zachman, et al. v. Mary Kiffmeyer, Secretary of State, et al. No. C0-01-160

STATE OF MINNESOTA ) ss.
COUNTY OF RAMSEY )

PATSY A. HARDING, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on October 17, 2001, she caused to be served a **STATEMENT OF UNRESOLVED ISSUES.** All documents were served via facsimile transmission on the following parties and also by depositing true and correct copies in the United States mail at said City of St. Paul, properly enveloped, with postage prepaid:

TIMOTHY D. KELLY KELLY & BERENS, P.A. SUITE 3720 IDS CENTER 80 SOUTH EIGHTH STREET MINNEAPOLIS, MN 55402 Facsimile: (612) 349-6416

MARIANNE D. SHORT MICHELLE B. FRAZIER DORSEY & WHITNEY LLP 220 SOUTH SIXTH STREET, SUITE 1300 MINNEAPOLIS, MN 55402 Facsimile: (612) 340-8856

BRIAN ASLESON WRIGHT COUNTY ATTORNEY'S OFFICE 10 SECOND STREET N.W., 4TH FLOOR BUFFALO, MN 55313 Facsimile: (763) 682-7700 JOHN D. FRENCH BRIAN MELENDZ FAEGRE & BENSON 2200 WELLS FARGO CENTER 90 SOUTH SEVENTH STREET MINNEAPOLIS, MN 55402-3901 Facsimile: (612) 766-1600

ALAN WEINBLATT WEINBLATT & GAYLORD, PLC 1616 PIONEER BUILDING 336 NORTH ROBERT STREET ST. PAUL, MN 55101 Facsimile: (651) 223-8282

Subscribed and sworn to before me on

October 17, 2001

BARBARA J. FEHRMAN NOTARY PUBLIC - MINNESOTA MY COMMISSION EXPIRES JANUARY 31, 2005

AG: 453993,v. 01