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62CV8956

AFFIDAVIT OF SERVICE VIA EMAIL

FILED
Court Administrator

STATE OF MINNESOTA)
)ss.
COUNTY OF HENNEPIN)

JAN 13 2009
By Deputy

Dianna Breymeier, being first duly sworn on oath, deposes and states that on the 13th day of January, 2009, she served the Contestants' Proposed Schedule by sending a true and correct copy via email as follows:

The Honorable Elizabeth A. Hayden
Judge, Seventh Judicial District
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725 Courthouse Square
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The Honorable Kurt J. Marben
Judge, Ninth Judicial District
Pennington County Courthouse
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Thief River Falls, MN 56701
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The Honorable Denise D. Reilly
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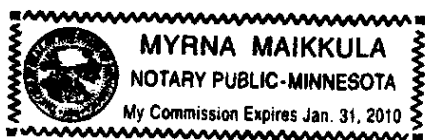
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the last known email addresses of said addressees.

Kenneth Bergman

Subscribed and sworn to before me this
13th day of January, 2009

Myrna Maikkala
Notary Public



STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

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

**CONTESTANTS' PROPOSED
SCHEDULE**

Cullen Sheehan and Norm Coleman,

Contestants,

v.

Al Franken,

Contestee.

Contestants respectfully believe the contest claims can be tried most efficiently in a series of stages, with subsequent stages of trial necessary only in the event the prior stage results in a sufficient number of votes being added to Contestant Coleman's totals as justify proceeding. The first stage should be the consideration of wrongly rejected absentee and mail ballots.

General Pretrial Matters:

Stipulated protective order as to non-public information executed by parties and provided to Court on or before January 15, 2009.

Opposition to Contestee's Motion to Dismiss and Reply to Counterclaims filed on or before January 19, 2009.

Hearing on Motion to Dismiss, if the Court wishes one, to be held on January 21, 2009.

Discovery and Pretrial Conference to be held January 20, 2009 at 9:00 a.m.

Summary Judgment

Summary judgment papers regarding rejected absentee and mail ballots to be filed on or before January 26, 2009; opposition papers to be filed by January 30, 2009.¹

Hearing on motion(s) to be held February 2, 2009

Trial

- I. Wrongly Rejected Absentee and Mail Ballots Not Resolved on Summary Judgment:
 - (a) Discovery completed on or before January 26, 2009;
 - (b) Trial briefs, exhibits and witness lists filed on or before February 2, 2009; and
 - (c) Trial begins February 9, 2009.
 - (i) reconciliation (utilizing 2008 election day precinct voter rolls) as voter registration and absence of other election day vote with respect to each presented envelope/voter;
 - (ii) inspect each envelope as to any objections as to legal compliance;
 - (iii) open each envelope for review of ballot; and
 - (iv) allocation of United States Senate candidate vote (if any), subject to voter intent challenges by Coleman and Franken and to be determined by Panel.
- II. Duplicate/Original Reconciliations:
 - (a) Precincts identified on or before February 2, 2009;
 - (b) Discovery completed on or before February 9, 2009;

¹ Contingent on prompt receipt from counties and municipalities of subpoenaed documents.

(c) Trial briefs, exhibit and witness lists filed on or before February 11, 2009;
and

(d) Trial begins February 16, 2009.

(i) reconcile election day voters (pre-registered voters, election day registration voters, absentee ballot voters) utilizing 2008 election voter rolls for each precinct;

(ii) compare voter rolls, election result tapes, and ballots (pursuant to inspection) to determine vote allocations; and

(iii) to the extent of excess ballots, determine challenges to original ballots not matched to marked duplicate ballots, and determine allocations with respect to same.

III. Minneapolis Ward 3, Precinct 1 Missing Ballots (133):

(a) Discovery completed on or before February 9, 2009;

(b) Trial brief, exhibit and witness lists filed on or before February 11, 2009;
and

(c) Trial begins February 16, 2009.

IV. Voter Intent Challenges:

(a) Discovery completed on or before February 16, 2009;

(b) Trial brief, exhibit and witness lists filed on or before February 19, 2009;
and

(c) Trial begins February 23, 2009.

V. Remaining Issues:

(a) Discovery completed on or before February 16, 2009;

(b) Trial brief, exhibit and witness lists filed on or before February 19, 2009;
and

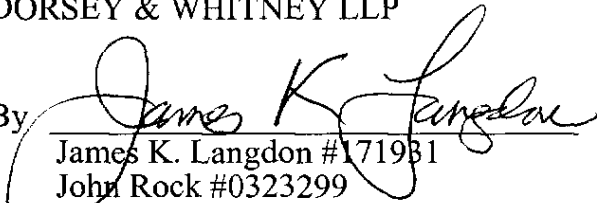
(c) Trial begins February 23, 2009.

Dated: January 13, 2009

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