

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF WRIGHT

TENTH JUDICIAL DISTRICT

Case Type: Other Civil

Sara Hippert, Dave Greer, Linda Markowitz,
Dee Dee Larson, Ben Maas, Gregg Peppin,
Randy Penrod and Charles Roulet,
Individually and on behalf of all citizens and
Voting residents of Minnesota similarly
situated,

Court File No. 86-CV-11-433

**ANSWER OF DEFENDANT
MARK RITCHIE, SECRETARY OF
STATE OF MINNESOTA**

Plaintiffs,

vs.

Mark Ritchie, Secretary of State of
Minnesota; and Robert Hiiivala, Wright
County Auditor, individually and on behalf
of all Minnesota county chief election
officers,

Defendants.

Mark Ritchie, Secretary of State of Minnesota ("State Defendant"), for his Answer to
Plaintiffs' Complaint, states as follows:

1. Denies each and every allegation in Plaintiffs' Complaint, except as may be hereinafter specifically admitted, qualified or otherwise answered below.
2. States that the allegations in Paragraphs 1 and 2 assert legal conclusions to which no response is required.
3. States that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3.
4. States that the allegations in Paragraph 4 assert legal conclusions to which no response is required.

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by: 

5. Admits the allegations in the first sentence of Paragraph 5. As to the remainder of the allegations in Paragraph 5, admits that he is the duly elected and qualified Minnesota Secretary of State, and that his duties are prescribed by statute. State Defendant also states that Minnesota Statutes Chapters 200 through 211B speak for themselves.

6. As to the allegations in Paragraph 6 directed to Defendant Robert Hiiivala, states that they are directed toward other defendants, and not the State Defendant, and accordingly no response is required by the State Defendant. As to the remainder of the allegations in Paragraph 6, states that they assert legal conclusions to which no response is required.

7. As to the reallegation set forth in Paragraph 7, State Defendant realleges the answers given in Paragraphs 1 through 6 above.

8. States that the allegations in Paragraphs 8, 9, 10 and 11 make legal assertions to which no response is required.

9. As to the allegations in Paragraph 12, states that the 2010 United States Census, the 2009 population estimates, and the *Zachman* court order speak for themselves, and further states that the allegations in Paragraph 12 assert legal conclusions to which no response is required.

10. Admits the allegations in the first sentence of Paragraph 13. State Defendant objects that the allegations in the second sentence of Paragraph 13 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in the second sentence of Paragraph 13 assert legal conclusions to which no response is required.

11. As to the allegations in Paragraph 14, states that the *Zachman* court order speaks for itself.

12. As to the allegations in Paragraph 15, states that the 2010 United States Census, the *Zachman* court order, and the estimates found in Exhibit A-2 to the Complaint speak for themselves, and further states that the allegations in Paragraph 15 assert legal conclusions to which no response is required.

13. Objects that the allegations in Paragraph 16 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraph 16 assert legal conclusions to which no response is required.

14. As to the allegations in Paragraph 17, states that he is without knowledge or information sufficient to form a belief as to the truth of what Plaintiffs intend to do or will do. State Defendant further objects that the allegations in Paragraph 17 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraph 17 assert legal conclusions to which no response is required.

15. Objects that the allegations in Paragraphs 18 and 19 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraphs 18 and 19 assert legal conclusions to which no response is required.

16. As to the reallegation set forth in Paragraph 20, State Defendant realleges the answers given in Paragraphs 1 through 15 above.

17. States that the allegations in Paragraphs 21, 22 and 23 make legal assertions to which no response is required.

18. States that the allegations in Paragraph 24 assert legal conclusions to which no response is required.

19. As to the allegations in Paragraph 25, states that the *Zachman* court order, the 2010 United States Census and the 2009 population estimates speak for themselves, and further

states that the allegations in Paragraph 25 assert legal conclusions to which no response is required.

20. Objects that the allegations in Paragraph 26 lack foundation and call for speculation, and accordingly denies the same.

21. Objects that the allegations in Paragraph 27 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraph 27 assert legal conclusions to which no response is required.

22. As to the allegations in Paragraph 28, states that the 2010 United States Census and the *Zachman* court order speak for themselves. State Defendant further objects that the allegations in Paragraph 28 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraph 28 assert legal conclusions to which no response is required.

23. Objects that the allegations in Paragraph 29 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraph 29 assert legal conclusions to which no response is required.

24. As to the allegations in Paragraph 30, states that he is without knowledge or information sufficient to form a belief as to the truth of what Plaintiffs intend to do or will do. State Defendant further objects that the allegations in Paragraph 30 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraph 30 assert legal conclusions to which no response is required.

25. Objects that the allegations in Paragraphs 31 and 32 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraphs 31 and 32 assert legal conclusions to which no response is required.

26. As to the reallegation set forth in Paragraph 33, State Defendant realleges the answers given in Paragraphs 1 through 25 above.

27. States that the allegations in Paragraphs 34, 35, 36, 37, 38 and 39 make legal assertions to which no response is required.

28. States that the allegations in Paragraph 40 assert legal conclusions to which no response is required.

29. As to the allegations in Paragraph 41, states that the 2010 United States Census, the *Zachman* court order, and the estimates found in Exhibit A-2 to the Complaint speak for themselves, and further states that the allegations in Paragraph 41 assert legal conclusions to which no response is required.

30. Objects that the allegations in Paragraph 42 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraph 42 assert legal conclusions to which no response is required.

31. As to the allegations in Paragraph 43, states that the 2010 United States Census and the *Zachman* court order speak for themselves. State Defendant further objects that the allegations in Paragraph 43 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraph 43 assert legal conclusions to which no response is required.

32. Objects that the allegations in Paragraph 44 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraph 44 assert legal conclusions to which no response is required.

33. As to the allegations in Paragraph 45, states that he is without knowledge or information sufficient to form a belief as to the truth of what Plaintiffs intend to do or will do.

State Defendant further objects that the allegations in Paragraph 45 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraph 45 assert legal conclusions to which no response is required.

34. Objects that the allegations in Paragraphs 46 and 47 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraphs 46 and 47 assert legal conclusions to which no response is required.

SEPARATE DEFENSES

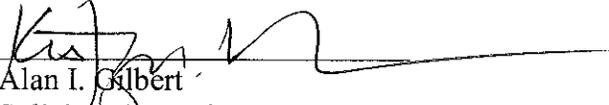
35. Plaintiffs' Complaint fails, in whole or in part, to state a claim upon which relief may be granted.

36. This Court does not have subject matter jurisdiction over Plaintiffs' claims, including but not limited to because they are not ripe, because Plaintiffs have suffered no injury in fact, and because Plaintiffs have not identified a justiciable case or controversy.

37. State Defendant alleges any other matter constituting an avoidance or affirmative defense to Plaintiffs' Complaint.

Dated: February 16, 2011

LORI SWANSON
Attorney General
State of Minnesota


Alan I. Gilbert
Solicitor General
Atty. Reg. No. 0034678

Kristyn Anderson
Atty. Reg. No. 0267752

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Attorneys for State Defendant Mark Ritchie

MINN. STAT. § 549.211 ACKNOWLEDGMENT

The party on whose behalf the attached document is served acknowledge through their undersigned counsel that sanctions may be imposed pursuant to Minn. Stat. § 549.211 (2010).

Dated: February 16, 2011



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Attorneys for State Defendant Mark Ritchie

AG: #2770500-v1

AFFIDAVIT OF SERVICE BY U.S. MAIL

Re: *Hippert, et al. v. Ritchie, et al.*
Court File No. 86-CV-11-433

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Barbara J. Fehrman, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on February 16, 2011, she caused to be served the *Answer of Defendant Mark Ritchie, Secretary of State of Minnesota*, by depositing the same in the United States mail at said city and state, true and correct copy(ies) thereof, properly enveloped with prepaid first class postage, and addressed to:

Tony P. Trimble
Matthew W. Haapoja
Trimble & Associates, Ltd.
10201 Wayzata Boulevard,
Suite 130
Minnetonka, MN 55305

Greg T. Kryzer
Assistant Wright County Attorney
Wright County Attorney's Office
10 2nd Street N.W.
Buffalo, MN 55313



BARBARA J. FEHRMAN

Subscribed and sworn to before me on
this 16th day of February, 2011.



NOTARY PUBLIC

FILED
2/17/11
DISTRICT COURT
WRIGHT COUNTY, MINNESOTA
by 

 LINDA A. RATAY
NOTARY PUBLIC - MINNESOTA
MY COMMISSION
EXPIRES JAN. 31, 2015



STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

LORI SWANSON
ATTORNEY GENERAL

February 16, 2011

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

Peggy Gentles
Court Administrator
Wright County Government Center
Ten Second Street NW, Room 201
Buffalo, MN 55313

Re: Hippert, et al. v. Ritchie, et al.
Court File No. 86-CV-11-433

Dear Court Administrator:

Enclosed for filing please find the Answer of Defendant Mark Ritchie, Secretary of State of Minnesota, together with an affidavit of service, in connection with the above matter.

Sincerely,

KRISTYN ANDERSON
Assistant Attorney General

(651) 757-1225 (Voice)
(651) 282-5832 (Fax)

Enclosures

cc: Tony Trimble and Matthew W. Haapoja (w/o encs.)
Greg Kryzer (w/o encs.)

AG: #2772505-v1

