

STATE OF MINNESOTA
SPECIAL REDISTRICTING PANEL
A11-152

OFFICE OF
APPELLATE COURTS

SEP - 6 2011

FILED

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,

Petitioners,

and

Kenneth Martin, Lynn Wilson, Timothy
O'Brien, Irene Peralez, Josie Johnson, Jane
Krentz, Mark Altenburg, and Debra
Hasskamp, individually and on behalf of all
citizens of Minnesota similarly situated,

Plaintiff Intervenors,

Audrey Britton, David Bly, Cary Coop, and
John McIntosh, individually and on behalf of
all citizens of Minnesota similarly situated,

Plaintiff Intervenors,

vs.

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

Respondents.

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

1. Denies each and every allegation in the Britton Intervenors' Complaint, except as may be hereinafter specifically admitted, qualified or otherwise answered below.

**ANSWER OF DEFENDANT MARK
RITCHIE, SECRETARY OF STATE
OF MINNESOTA TO BRITTON
INTERVENORS' COMPLAINT**

2. States that the allegations in Paragraph 1 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 2.

4. States that the allegations in Paragraph 3 assert legal conclusions to which no response is required.

5. As to the allegations in Paragraph 4, admits that he is the duly elected and acting Minnesota Secretary of State, and that his duties are prescribed by the Minnesota Constitution and Minnesota statutes. State Defendant also states that Minnesota Statutes Chapters 200 through 211B speak for themselves.

6. States that the allegations in Paragraph 5 are directed toward other Defendants, and not the State Defendant, and accordingly no response is required by the State Defendant. State Defendant also states that Minnesota Statutes Chapters 200 through 211B speak for themselves.

7. States that the allegations in Paragraphs 6 and 7 make legal assertions to which no response is required.

8. States that the allegations in Paragraph 8 assert legal conclusions to which no response is required.

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

10. States that the allegations in Paragraphs 11 and 12 assert legal conclusions to which no response is required.

11. As to the allegations in Paragraph 13, states that the 2010 United States Census speaks for itself. State Defendant further objects that the allegations in Paragraph 13 lack foundation and call for speculation, and accordingly denies the same. State Defendant also states that the allegations in Paragraph 13 assert legal conclusions to which no response is required. State Defendant affirmatively alleges that the 2011 Minnesota legislative session adjourned without a reapportionment bill being enacted into law.

12. As to the allegations in Paragraph 14, states that the 2010 United States Census speaks for itself.

13. States that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15.

14. As to the allegations in Paragraph 16, states that the 2010 United States Census speaks for itself. State Defendant further states that the allegations in Paragraph 16 assert legal conclusions to which no response is required.

15. State Defendant 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. State Defendant affirmatively alleges that the 2011 Minnesota legislative session adjourned without a reapportionment bill being enacted into law.

16. As to the allegations in Paragraph 18, states that he is without knowledge or information sufficient to form a belief as to the truth of what the Britton Intervenors intend to do or will do. State Defendant further objects that the allegations in Paragraph 18 lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraph 18 assert legal conclusions to which no response is required.

17. Objects that the allegations in Paragraphs 19, 19(a), 19(b), 19(c), and 19(d) lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraphs 19, 19(a), 19(b), 19(c), and 19(d) assert legal conclusions to which no response is required.

18. States that the allegations in Paragraph 20 assert legal conclusions to which no response is required.

19. As to the reallegation set forth in Paragraph 21, State Defendant realleges the answers given in Paragraphs 1 through 6 above.

20. States that the allegations in Paragraphs 22, 23 and 24 make legal assertions to which no response is required.

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

22. As to the allegations in Paragraph 26, states that the 2010 United States Census speaks for itself. State Defendant further states that the allegations in Paragraph 26 assert legal conclusions to which no response is required. State Defendant affirmatively alleges that the 2011 Minnesota legislative session adjourned without a reapportionment bill being enacted into law.

23. As to the allegations in Paragraph 27, states that the 2010 United States Census speaks for itself.

24. As to the allegations in Paragraph 28, states that the 2010 United States Census speaks for itself. 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.

25. State Defendant 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. State Defendant affirmatively alleges that the 2011 Minnesota legislative session adjourned without a reapportionment bill being enacted into law.

26. 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 the Britton Intervenors 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.

27. Objects that the allegations in Paragraphs 31, 31(a), 31(b), 31(c), 31(d) and 31(e) lack foundation and call for speculation, and accordingly denies the same. State Defendant further states that the allegations in Paragraphs 31, 31(a), 31(b), 31(c), 31(d) and 31(e) assert legal conclusions to which no response is required.

28. States that the allegations in Paragraph 32 assert legal conclusions to which no response is required.

SEPARATE DEFENSES

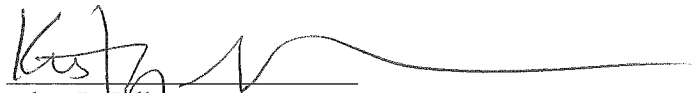
29. The Britton Intervenors' Complaint fails, in whole or in part, to state a claim upon which relief may be granted.

30. The Britton Intervenors' claims are not ripe because they have suffered no injury in fact.

31. State Defendant alleges any other matter constituting an avoidance or affirmative defense to the Britton Intervenors' Complaint.

Dated: September 1, 2011

LORI SWANSON
Attorney General
State of Minnesota

A handwritten signature in black ink, appearing to read 'Alan I. Gilbert', is written over a horizontal line.

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

Kristyn Anderson
Atty. Reg. No. 0267752

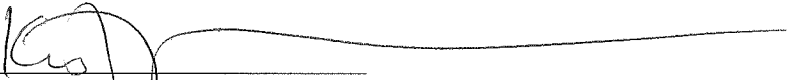
445 Minnesota Street, Suite 1100
St. Paul, Minnesota 55101-2128
Telephone: (651) 757-1225
Fax: (651) 282-5832

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: September 1, 2011



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

AG: #2868970-v1

AFFIDAVIT OF SERVICE BY U.S. MAIL

OFFICE OF APPELLATE COURTS

Re: Sara Hippert, et al. v. Mark Ritchie, et al.
Case Number A11-152

SEP - 6 2011

FILED

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 September 1, 2011, she caused to be served the *Answer of Defendant Mark Ritchie, Secretary of State of Minnesota, to Britton Intervenors' Complaint*, 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:

David Lillehaug
Christopher A. Stafford
Fredrikson & Byron, P.A.
200 South 6th Street, Suite 4000
Mpls., MN 55402-1425

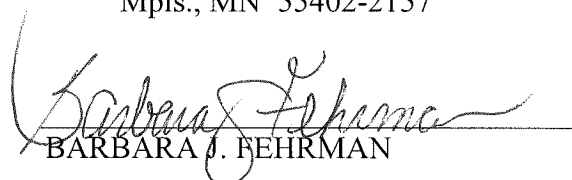
Alan W. Weinblatt
Weinblatt & Gaylord, PLC
Suite 300 Kellogg Square
111 East Kellogg Boulevard
St. Paul, MN 55101

Marc Elias
Kevin J. Hamilton
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700 13th Street NW, Suite 600
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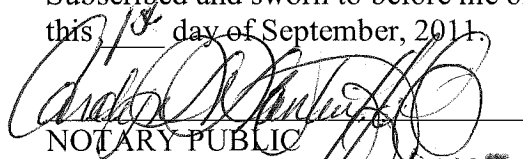
Tony P. Trimble
Matthew W. Haapoja
Trimble & Associates, Ltd.
10201 Wayzata Boulevard, Suite 130
Mpls., MN 554305

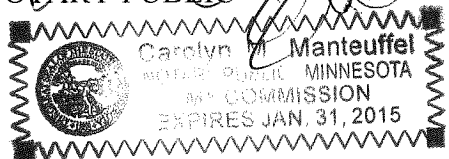
Thomas N. Kelly
Greg T. Kryzer
Wright County Attorney's Office
Wright County Government Center
10 2nd Street NW, Room 400
Buffalo, MN 55313

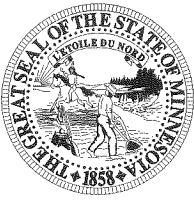
Elizabeth M. Brama
Michael C. Wilhelm
Eric J. Magnuson
Briggs and Morgan
2200 IDS Center
80 South 8th Street
Mpls., MN 55402-2157


BARBARA J. FEHRMAN

Subscribed and sworn to before me on
this 1st day of September, 2011.


NOTARY PUBLIC





STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

LORI SWANSON
ATTORNEY GENERAL

September 1, 2011

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

Bridget Gernander
Clerk of Appellate Courts
305 Minnesota Judicial Center
25 Rev. Dr. Martin Luther King, Jr. Blvd.
St. Paul, MN 55155-6102

OFFICE OF
APPELLATE COURTS

SEP 06 2011

FILED

Re: *Sara Hippert, et al. v. Mark Ritchie, et al.*
Case Number A11-152

Dear Ms. Gernander:

Enclosed for filing in the above-captioned matter, please find the original and three copies of *Answer of Defendant Mark Ritchie, Secretary of State of Minnesota to Britton Intervenors' Complaint*.

By copy of this letter, service by mail is made on the counsel of record. The affidavit of service is also enclosed.

Sincerely,

KRISTYN ANDERSON
Assistant Attorney General

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

Enclosures

cc: Alan W. Weinblatt/Jay Benanav/Jane L. Prince (w/enc.)
David L. Lillehaug/Christopher A. Stafford (w/enc.)
Marc Elias/Kevin J. Hamilton (w/enc.)
Thomas N. Kelly/Greg T. Kryzer (w/enc.)
Tony P. Trimble/Matthew w. Haapoja (w/enc.)
Elizabeth M. Brama/Michael C. Wilhelm/Eric J. Magnuson (w/enc.)

AG: #2878164-v1