

STATE OF MINNESOTA
SPECIAL REDISTRICTING PANEL

A11-152

OFFICE OF
APPELLATE COURTS
JUL 18 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,

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.

SCHEDULING ORDER NO. 1

Chief Justice Lorie S. Gildea of the Minnesota Supreme Court appointed this special redistricting panel to “hear and decide all matters, including all pretrial and trial motions, in connection with the ultimate disposition of the above-entitled action” *Hippert v. Ritchie*, No. A11-152 (Minn. June 1, 2011) (Order of Chief Justice). In the interest of expediting the disposition of this action, we issue this Order on several preliminary and scheduling issues.

IT IS HEREBY ORDERED:

1. *Intervention.* Motions to intervene pursuant to Minn. R. Civ. P. 24 shall be made and served by 4:30 p.m. on Friday, July 29, 2011. Persons wishing to intervene shall file one original document and nine copies with the Clerk of Appellate Courts. One electronic copy shall be submitted by e-mail to the following address: mjcappellateclerkofcourt@courts.state.mn.us. The parties' responses to motions to intervene shall be due on Friday, August 12, 2011.

Parties and persons seeking leave to intervene may request oral argument on this issue. If requested, oral argument will be heard on Tuesday, August 30, 2011, at 1:00 p.m. in Courtroom 300 of the Minnesota Judicial Center. The time allotted per argument will be stated at a later date.

2. *Stipulations and Unresolved Issues.* We request that the parties work toward a stipulation on certain relevant issues, including but not limited to:

- Whether the current districts are unconstitutionally flawed in light of the 2010 census
- Ideal populations for congressional, senate, and house districts
- The maximum tolerable percentage deviation from the ideal for legislative districts

All parties should participate in working toward this stipulation. One original stipulation and nine copies shall be filed with the Clerk of Appellate Courts by 4:30 p.m. on Wednesday, September 28, 2011. One electronic copy shall be submitted by e-mail to the following address: mjcappellateclerkofcourt@courts.state.mn.us.

As to any issue not resolved by stipulation, each party shall submit a concise Statement of Unresolved Issues by 4:30 p.m. on Wednesday, September 28, 2011, by the

procedure described above. This statement should consist of no more than five pages. The panel will take these matters under advisement and resolve them as the occasion arises.

3. *Redistricting Criteria.* It is further ordered that each party shall submit proposed redistricting criteria. Each party shall file one original motion to adopt proposed redistricting criteria and nine copies with the Clerk of Appellate Courts by 4:30 p.m. on Wednesday, October 5, 2011. One electronic copy shall be submitted by e-mail to the following address: mjccappellateclerkofcourt@courts.state.mn.us. The parties' responses shall be due on Wednesday, October 19, 2011.

Parties may request oral argument on the issue of redistricting criteria. If requested, oral argument will be heard on Wednesday, October 26, 2011, at 9:30 a.m. in Courtroom 300 of the Minnesota Judicial Center. The time allotted per argument will be stated at a later date.

4. *Remote Electronic Access to Records.* Redistricting is a matter of great public interest. Therefore, it is the panel's intent to make the parties' submissions in this case accessible to the public via the Internet. *See* Minn. R. Pub. Access to Recs. of Jud. Branch 8, subd. 2(e)(1) ("After notice to the parties and an opportunity to be heard, the presiding judge may by order direct the court administrator to provide remote electronic access to records of a particular case that would not otherwise be remotely accessible"); Minn. R. Pub. Access to Recs. of Jud. Branch 8 2005 advisory comm. cmt (stating that rule 8, subdivision 2(e), is intended to reduce the administrative burdens

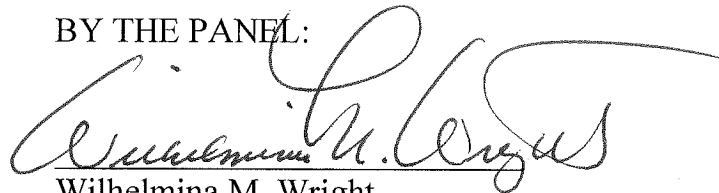
associated with “multiple or voluminous access requests” in high-profile or high-volume cases).

Any party or movant who wishes to be heard in an oral argument on the issue of remote electronic access to the parties’ submissions shall request oral argument in writing no later than Friday, July 29, 2011. If requested, oral argument on this issue will be held in conjunction with oral argument on the issue of intervention. The time allotted per argument will be stated at a later date.

5. *Public Hearings.* The panel would like to gather information about Minnesota communities from Minnesota citizens and would like to give members of the public the opportunity to provide the panel with facts, opinions, or concerns that may inform the redistricting process. Therefore, the panel will hold a series of public hearings throughout the state between October 6, 2011, and October 14, 2011. The panel will set the locations and schedule for the public hearings at a later date.

Dated: July 18, 2011

BY THE PANEL:

A handwritten signature in black ink, appearing to read 'Wilhelmina M. Wright', written over a horizontal line.

Wilhelmina M. Wright
Presiding Judge