

**State of Minnesota**

County
RAMSEY

**District Court**

Judicial District:	Second
Court File Number:	
Case Type:	Other Civil

The Ninetieth Minnesota State Senate and  
the Ninetieth Minnesota State House of  
Representatives,

Plaintiffs,

v.

Mark B. Dayton, in his official capacity as  
Governor of the State of Minnesota, and  
Myron Frans, in his official capacity as  
Commissioner of the Minnesota Department  
of Management and Budget,

Defendants,

Date Case Filed: June 13, 2017

Court File No. \_\_\_\_\_

**Civil Cover Sheet**  
**(Non-Family Case Type)**  
Minn. R. Gen. Prac. 104

This civil cover sheet must be filed by the initial filing lawyer or party, if unrepresented by legal counsel, unless the court orders all parties or their legal counsel to complete this form. Once the initial civil cover sheet is filed, opposing lawyers or unrepresented parties who have not already been ordered to complete this form may submit their own cover sheet within ten days after being served with the initial cover sheet. See Rule 104 of the General Rules of Practice for the District Courts.

**If information is not known to the filing party at the time of filing, it shall be provided to the Court Administrator in writing by the filing party within seven (7) days of learning the information.** Any party impleading additional parties shall provide the same information to the Court Administrator. The Court Administrator shall, upon receipt of the completed certificate, notify all parties or their lawyers, if represented by counsel, of the date of filing the action and the file number assigned.

ATTORNEYS FOR PLAINTIFF

Douglas A. Kelley, #54525  
Kelley, Wolter & Scott, P.A.  
Centre Village Offices, Suite 2530  
431 South Seventh Street  
Minneapolis, MN 55415

ATTORNEY FOR DEFENDANT

*Attorney(s) Unknown*  
Mark B. Dayton in his official capacity as  
Governor of the State of Minnesota  
Office of Governor Mark Dayton  
130 State Capital

Telephone: 612-371-9090  
Email: [dkelley@kelleywolter.com](mailto:dkelley@kelleywolter.com)

75 Rev. Dr. Martin Luther King Jr. Blvd  
St. Paul, MN 55155

Steven E. Wolter, #170707  
Kelley, Wolter & Scott, P.A.  
Centre Village Offices, Suite 2530  
431 South Seventh Street  
Minneapolis, MN 55415  
Telephone: 612-371-9090  
Email: [swolter@kelleywolter.com](mailto:swolter@kelleywolter.com)

*Attorney(s) Unknown*  
Myron Frans in his official capacity as  
Commissioner of the Minnesota Department  
of Management and Budget  
Minnesota Management and Budget  
658 Cedar Street, St. Paul, MN 55155

Note: If either Plaintiff or Defendant gets an attorney, the attorney's name, address, telephone number and attorney ID number must be given in writing to the Court Administrator immediately.

1. Provide a concise statement of the case including facts and legal basis:

This is a declaratory judgment action initiated pursuant to Minnesota Statutes, Chapter 555, seeking a declaration that Governor Dayton's May 30, 2017 line-item vetoes of the Minnesota Legislature's funding for fiscal years 2018 and 2019 violate the Separation of Powers Clause of the Minnesota Constitution. Plaintiffs further seek injunctive relief or mandamus, directing the Commissioner of the Department of Management and Budget to allot funds that were appropriated to the Legislature for the 2018-2019 fiscal biennium. **This action is related to MNCIS Case No. 62-CV-17-3396.**

2. Date Complaint was served: \_\_\_\_\_

3. For Expedited Litigation Track (ELT) Pilot Courts only:

a.  the parties jointly and voluntarily agree that this case shall be governed by the Special Rules for ELT Pilot. Date of agreement: N/A

b.  The court is requested to consider excluding this case from ELT for the following reasons: N/A

Note: ELT is mandatory in certain cases, and where mandatory, exclusion may also be sought by timely motion under the Special Rules for ELT Pilot.

c. Anticipated number of trial witnesses: \_\_\_\_\_

d. Amount of medical expenses to date: \_\_\_\_\_

e. Amount of lost wages to date: \_\_\_\_\_

f. Identify any known subrogation interests: \_\_\_\_\_

4. Estimated discovery completion within \_\_\_\_\_ months from the date of this form.
5. Disclosure / discovery of electronically stored information discussed with other party?  
 No  Yes, date of discussion: \_\_\_\_\_  
 If Yes, list agreements, plans, and disputes: \_\_\_\_\_
6. Proposed trial start date: Plaintiffs request an expedited hearing date of 6/26/17  
which will require a shortened period to answer. Plaintiffs also request a status conference at the  
Court's earliest opportunity.
7. Estimated trial time: 1 days \_\_\_\_\_ hours (estimates less than a day must be stated in hours).
8. Jury trial is:  
 waived by consent of Plaintiffs pursuant to Minn. R. Civ. P. 38.02.  
 (specify party)  
 requested by \_\_\_\_\_ (NOTE: Applicable fee must be enclosed)  
 (specify party)
9. Physical/mental/blood examination pursuant to Minn. R. Civ. P. 35 is requested:  
 Yes  No
10. Identify any party or witness who will require interpreter services, and describe the services needed (specifying language, and if known, particular dialect): None
11. Issues in dispute: Whether Governor Dayton's May 30, 2017 line-item vetoes violate Article III of the Minnesota Constitution.
12. Case Type / Category: 14 – Other Civil (NOTE: select case type from Form 23, Subject Matter Index for Civil Cases, appended to the Minnesota Rules of Civil Procedure).
13. Recommended Alternative Dispute Resolution (ADR) mechanism: N/A  
 (See list of ADR processes set forth in Minn. Gen. R. Prac. 114.02(a))  
 Recommended ADR provider (known as a “neutral”): N/A  
 Recommended ADR completion date: N/A  
 If applicable, reasons why ADR not appropriate for this case: N/A

By signing below, the attorney or party submitting this form certifies that the above information is true and correct.

Dated: June 13, 2017

s/Douglas A. Kelley, #54525  
Kelley, Wolter & Scott, P.A.  
Centre Village Offices, Suite 2530  
431 South Seventh Street  
Minneapolis, MN 55415  
Telephone: 612-371-9090  
Email: [dkelley@kelleywolter.com](mailto:dkelley@kelleywolter.com)