

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

CASE TYPE: Other Civil

<p>The Ninetieth Minnesota State Senate and the Ninetieth Minnesota State House of Representatives,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>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,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">Court File No. 62-cv-17-3601 Chief Judge John H. Guthmann</p> <p style="text-align: center;"><b>DEFENDANTS' NOTICE OF MOTION AND MOTION FOR JUDGMENT ON THE PLEADINGS</b></p>
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Defendants Governor Mark B. Dayton and Commissioner Myron Frans will move and hereby do move the Court for an Order for Judgment on the Pleadings pursuant to Minn. R. Civ.

P. 12.03 as follows:

1. Dismissing Count I of the Complaint with prejudice and entering judgment declaring the Governor's line-item vetoes, dated May 30, 2017, are constitutionally authorized and valid.
2. Dismissing Counts II and III of Plaintiffs' complaint with prejudice insofar as they seek an "allotment" from the vetoed appropriations.
3. To the extent Counts II and III seek funds only for critical, core functions, staying further proceedings pending appeal of the dismissal of Count I.
- 3A. Alternatively, if the Court concludes that Plaintiffs' claims in Counts II and III are justiciable and should not be stayed, establishing a process for determining the necessity for and cost of the critical, core functions of the Senate and House.

Please take notice that Defendants intend to make this motion at the court-ordered show-cause hearing in Courtroom 1480 of the Ramsey County Courthouse on June 26, 2017 at 10:00 a.m. This motion is based upon all of the files, records and proceedings herein, including the arguments of counsel.

Dated: June 22, 2017

**BRIGGS AND MORGAN, P.A.**

By: /s/ Sam Hanson

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**ACKNOWLEDGMENT**

The undersigned acknowledges that sanctions may be imposed pursuant to Minn. Stat. § 549.211, subd. 3.

/s/ Sam Hanson