

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

CASE TYPE: OTHER CIVIL

Destiny Dusosky,

Plaintiff,

v.

Michelle Fischbach,

Defendant.

Court File No.: 62-CV-18-2348

Judge: John H. Guthmann

AFFIDAVIT OF BRETT D. KELLEYSTATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Brett D. Kelley, being first duly sworn, deposes and states:

1. I am one of the attorneys representing Defendant in the above-captioned action. I make this affidavit based on personal knowledge of the facts stated herein and offer this affidavit in support of Defendant's memorandum supporting her motion to dismiss.

2. Attached hereto as **Exhibit 1** is a true and correct copy of a document prepared by the Minnesota Legislative Reference Library entitled "Minnesota Lieutenant Governors, 1858-present." This document was referenced by Plaintiff in the Complaint at Paragraph 42 and is available at: <https://www.leg.state.mn.us/lrl/mngov/lrgov>. Relevant to this case, this document provides historical background on the ten presiding officers of the senate, including Senator Fischbach, who became lieutenant governor by reason of a vacancy in that office. Senator Fischbach is the eighth senator to simultaneously serve as senator and lieutenant governor.



Brett D. Kelley

Subscribed and sworn to before me this 30th
day of April, 2018



Notary Public

My commission expires: January 31, 2020