

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Case Type: Civil

Robert LaRose, Teresa Maples, Mary Sansom,
Gary Severson, and Minnesota Alliance for Retired
Americans,

Plaintiffs,

v.

Steve Simon, in his official capacity as Minnesota
Secretary of State,

Defendant.

**PLAINTIFF'S NOTICE OF
MOTION AND MOTION FOR
TEMPORARY JUNCTION**

Court File No: 62-CV-20-3149

Judge Sara R. Grewing

TO: DEFENDANT STEVE SIMON, IN HIS OFFICIAL CAPACITY AS MINNESOTA
SECRETARY OF STATE

PLEASE TAKE NOTICE that at 10:00 a.m. on July 31, 2020, before the Honorable Sara Grewing via remote hearing in lieu of an in person hearing at the Ramsey County District Courthouse, Plaintiffs Robert LaRose, Teresa Maples, Mary Sansom, Gary Severson, and Minnesota Alliance for Retired Americans will move—and hereby do move—for a temporary injunction under Rule 65 of the Minnesota Rules of Civil Procedure to:

1) Enjoin Defendant and his respective agents, officers, employees, and successors, and all persons acting in concert with each or any of them (the “Defendant Parties”), from enforcing the provisions of Minnesota Statutes sections 203B.08 subd. 3, 204B.45, and 204B.46 and Minnesota Rule 8210.3000 (collectively, the “Election Day Receipt Deadline”) and any other provisions necessary, such that for the November 3, 2020 election (the “November Election”), the Defendant Parties are enjoined from rejecting by-mail ballots that are postmarked on or before November 3,

2020 (“Election Day”) and arrive at the location designated by the county auditor or municipal clerk’s office by 5:00 p.m. on the day before the county canvass deadline. For the purposes of this Motion, postmark shall refer to any type of imprint applied by the United States Postal Service to indicate the location and date the Postal Service accepts custody of a piece of mail, including bar codes, circular stamps, or other tracking marks. Where a ballot does not bear a postmark date, the election official reviewing the ballot should presume that it was mailed on or before Election Day unless the preponderance of the evidence demonstrates that it was mailed after Election Day.

2) Enjoin the Defendant Parties from enforcing the provisions of Minnesota Statutes sections 203B.07 subd. 3, 203B.121 subd. 2, 204B.45, and 204B.46 and Minnesota Rule 8210.3000 (collectively, the “Witness Requirement”) and any other provisions necessary, to the extent that the provisions require the rejection of an absentee ballot or designated mail ballot if the return envelope does not contain a statement signed by a person who is registered to vote in Minnesota or by a notary public or other individual authorized to administer oaths.

Plaintiffs’ Motion is supported by the accompanying Memorandum of Law and accompanying declarations and exhibits, including the expert declarations of Dr. Kenneth Mayer, Dr. Daniel McCool, and Dr. Catherine Troisi.

Dated: July 2, 2020

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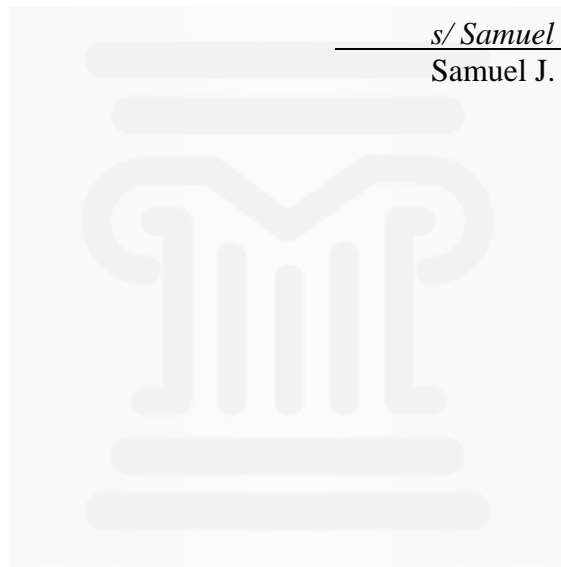
Attorneys for Plaintiffs

ACKNOWLEDGEMENT

The undersigned hereby acknowledges that pursuant to Minn. Stat. § 549.211, Subd. 3, sanctions may be imposed if, after notice and a reasonable opportunity to respond, the Court determines that the undersigned has violated the provisions of Minn. Stat. § 549.211, Subd. 2.

s/ Samuel J. Clark

Samuel J. Clark



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