

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF DAKOTA

FIRST JUDICIAL DISTRICT

Case Type: Civil Other/Misc.

Tyler Kistner, Tomas Settell,
Leilani Holmstadt, Dan Hall,
Jose W. Jimenez, Fern A. Smith,
Mariah de la Paz, Cynthia
Lonnquist, Pam Myhra, Megan
Olson, Sandra A. Jimenz,
Deborah Coxe, and Greg Buck,

Court File No. 19AV-CV-20-2183
(Judge Jerome B. Abrams)

Contestants,

vs.

**CONTESTEE STEVE SIMON'S
NOTICE OF MOTION AND
MOTION TO DISMISS**

Steve Simon, only in his official capacity,
as the Minnesota Secretary of State,
Andy Lokken, only in his official capacity
as the Elections Director for Dakota County,
Angie Craig, Matt Klein, Karla Bigham,
Lindsey Port, Greg Clausen, Liz Reyer,
Rick Hansen, Ruth Richardson,
Jessica Hanson, Robert Bierman,
And John D. Huot,

Contestees,

TO: Contestants and their attorney, Jane L. Volz, Volz Law Firm, Ltd., 21510 Palomino
Drive, Prior Lake, MN 55372.

NOTICE OF MOTION

PLEASE TAKE NOTICE that, at a place and time to be set by the Court, before the
Honorable Jerome B. Abrams, Judge of the Dakota County District Court, Contestee Minnesota
Secretary of State Steve Simon will move the Court for entry of an order as set forth below.

MOTION

Pursuant to Minn. Stat. § 209.065 and Minn. R. Civ. P. 12.02(a), the Secretary
respectfully moves the Court for an order dismissing the Notice of Contest with prejudice as to

the Secretary. This motion is in lieu of an answer and is made on the ground that the Court lacks subject-matter jurisdiction over the Secretary in this matter. The motion is based on a memorandum of law, served and filed herewith, and on all of the files, pleadings, and papers herein.

Dated: December 2, 2020

Respectfully submitted,

KEITH ELLISON
Attorney General
State of Minnesota

/s/ Nathan J. Hartshorn

NATHAN J. HARTSHORN
Assistant Attorney General
Atty. Reg. No. 0320602

445 Minnesota Street, Suite 1400
St. Paul, Minnesota 55101-2131
(651) 757-1252 (Voice)
(651) 297-1235 (Fax)
nathan.hartshorn@ag.state.mn.us

Attorneys for Contestee Steve Simon

#4853670