

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF RICE

THIRD JUDICIAL DISTRICT

Case Type: Other Civil

Benda for Common-sense, a Minnesota
Non-Profit Corporation, and Kathleen
Hagen,

Court File No. 66-CV-22-2022
Judge: Carol M. Hanks

Plaintiffs,

**NOTICE OF MOTION AND MOTION
FOR AN ORDER TO CORRECT
ERRORS AND OMISSIONS --
COUNT III**

vs.

Denise Anderson, Director of Rice County
Property and Tax Elections,

Defendant.

TO: All Parties and the District Court Administrator

PLEASE TAKE NOTICE, that on October 26, 2022, at 1:00 pm before the Honorable Carol M. Hanks, via zoom hearing, the Plaintiffs, through the undersigned, will move the Court for an Order as follows:

1. For an Order as prayed for in Count III of Plaintiffs' Complaint to Correct Errors and Omissions Under Minn. Stat. 204B.44 as follows:
 - a. Prohibiting Defendant from using any modem function in all DS-200 Electronic Voting Systems used in voting precincts in Rice County.
 - b. Prohibiting Defendant from using any modem function in the DS-450 Electronic Voting System used at the Rice County Counting Center.
 - c. Requiring Defendant to submit to the Court a certification from the manufacturer of the Rice County Electronic Voting Systems that the modem function on said machines has been disabled or otherwise made inoperable.
 - d. Requiring that said Order be published on the Rice County Elections website and the local newspaper and that every election official in Rice County be provided a copy of the Order.
 - e. For such other and further relief as may be appropriate in the circumstances.

PETERSON, KOLKER, HAEDT & BENDA, LTD.

Dated: September 21, 2022

By: /s/ Matthew L. Benda
Matthew L. Benda (#026376X)
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ACKNOWLEDGMENT OF MINNESOTA STATUTES § 549.211

The Plaintiff's counsel hereby acknowledges that sanctions may be imposed pursuant to Minn. Stat. § 549.211.

Dated: September 21, 2022

/s/ Matthew L. Benda
Matthew L. Benda

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BRANCH