

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,

**AMENDED NOTICE OF MOTION AND
MOTION FOR JOINDER AND TO
COMPEL DISCLOSURE OF
INFORMATION**

vs.

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

Defendant,

and

Minnesota Secretary of State,

Proposed Intervenor-Defendant.

TO: All Parties and the District Court Administrator.

PLEASE TAKE NOTICE, that on February 15, 2023, at 9:00 am 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 requiring that Sean Murphy, Rice County Responsible Authority under the MGDPA, be joined as a party (Defendant) in this matter pursuant to Rule 19.01 Minn. R. Civ. Pro.

2. For an Order requiring Defendant Anderson to disclose the individual (or vendor) who can locate, and compile in electronic format, all emails and electronic documents and electronic data from election machines subject to the MGDPA from January 1, 2019, through the date of such disclosure.

3. For an Order requiring Defendant Anderson to provide for inspection and copy upon request, all the documents referenced in the 2020 Post-Election Review Response Form attached to the Affidavit of Kathleen Hagen in Support of Motion to Compel Disclosure of Information.

4. For an Order compelling Defendant Anderson to comply with the Notice of Rule 34.01 Inspection within 30 days of the date of the order.

5. For an Order requiring Defendant to pay costs of \$80 and attorney fees of \$1,280 for Plaintiffs response to Defendant's Motion for Judgment on the Pleadings, as allowed by Minn. Stat. 13.08, Subd. 4.

6. For an Order requiring Defendant to pay costs of \$80 and attorney fees of \$960 for Plaintiffs Motion for Joinder and to Compel Disclosure of Information.

7. For such other and further relief as appropriate in the circumstances.

PETERSON, KOLKER, HAEDT & BENDA, LTD.

Dated: December 15, 2022

By: /s/ Matthew L. Benda

Matthew L. Benda (#026376X)

Attorneys for Plaintiff

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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: December 15, 2022

/s/ Matthew L. Benda

Matthew L. Benda