

STATE OF MINNESOTA  
COUNTY OF ANOKA

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DISTRICT COURT  
TENTH JUDICIAL DISTRICT

Minnesota Voters Alliance, Mary Amlaw,  
Ken Wendling, and Tim Kirk,

**TOM HUNT AND ANOKA COUNTY'S  
SEPARATE MOTION TO DISMISS**

Petitioners,

vs.

Tom Hunt, Steve Simon, Anoka County,  
The Office of the Minnesota Secretary of State,  
and Shannon Reimann,

Respondents

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Dist. Ct. File No. 02-CV-23-3416  
Case Type: Other Civil

Pursuant to Minn. R. Civ. Proc. 12.02, Respondents Tom Hunt and Anoka County (the “Anoka Respondents”) move to dismiss the Petition for a Writ of Quo Warranto or, in the alternative, for a Declaratory Judgment filed by Petitioners Minnesota Voters Alliance, Mary Amlaw, Ken Wendling, and Tim Kirk. The Anoka Respondents move this Court for an order dismissing the petition under Rules 12.02(a) and 12.02(e), as this Court lacks jurisdiction over the subject matter of the petition and the petition fails to state a claim upon which relief can be granted. Petitioners lack standing to bring the claims asserted in the petition and Petitioners’ request for a writ of quo warranto is not a proper request for relief. This motion to dismiss is made in lieu of an answer, as authorized by Rule 12.02.

The Anoka Respondents will join in and incorporate by reference selected portions of the Memorandum of Law to be submitted by Steve Simon, the Office of the Minnesota Secretary of State, and Shannon Reimann (the “State Respondents”) in support of their separate motion to dismiss. Specifically, the Anoka Respondents will join in that portion of the State Respondents’ brief that addresses the procedural deficiencies present in the petition. The Anoka Respondents’

motion to dismiss is based on the arguments contained in those portions of the State Respondents' brief, as well as the petition itself and all the files and proceedings herein.

The Anoka Respondents do not join in any portion of the State Respondents' Memorandum of Law that addresses the merits of Petitioners' allegations. Petitioners have challenged the constitutionality of a law passed by the Minnesota Legislature. The Anoka Respondents take no position as to whether that law is constitutional or not. The Anoka Respondents' role under state law is to comply with the laws passed by the Legislature, which are presumed constitutional until a court rules otherwise. The Anoka Respondents will enforce the challenged law as written unless and until this Court rules that law to be unconstitutional.

Dated: July 20, 2023

BRAD JOHNSON  
ANOKA COUNTY ATTORNEY

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