

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Case Type: Civil Other/Misc.

MINNESOTA ALLIANCE FOR RETIRED  
AMERICANS EDUCATIONAL FUND,  
TERESA MAPLES, and KHALID  
MOHAMED,

Plaintiffs,

v.

STEVE SIMON, in his official capacity as  
Minnesota Secretary of State,

Defendant.

Case No. 62-cv-24-854

Assigned Judge: Hon. Edward Sheu

**PLAINTIFFS' MEMORANDUM OF LAW  
IN OPPOSITION TO THE REPUBLICAN  
COMMITTEES' MOTION FOR LEAVE  
TO FILE MOTION TO DISMISS OR,  
ALTERNATIVELY, MEMORANDUM IN  
SUPPORT OF DEFENDANT'S MOTION  
TO DISMISS**

The Republican National Committee and the Republican Party of Minnesota (the “Republican Committees”) have moved to intervene in this action. (Index No. 42.) Pending the adjudication of their intervention motion, they seek leave to file a motion to dismiss or, in the alternative, a memorandum in support of the Secretary of State’s Motion to Dismiss. (Index No. 46 (“Motion for Leave”).) They also seek to have their motion to dismiss argued at the May 23, 2024 hearing on the Secretary’s motion—or to participate in argument on the Secretary’s motion. *Id.* For the reasons explained in Plaintiffs Memorandum of Law in opposition to the Republican Committees’ Motion to Intervene, and because the relief the Republican Committees request would work substantial prejudice to Plaintiffs, their Motion for Leave should be denied.

Plaintiffs filed their Complaint on February 13, 2024 (Index. No. 2), and on March 5, the Secretary filed a Notice of Motion and Motion to Dismiss with a hearing date of May 23, 2024, (Index No. 11.) The Republican Committees did not serve their Notice of Intervention until March

15, 2024. (Index No. 23.) Plaintiffs served their Objection to the Republican Committees' Intervention on April 12 (Index No. 37), and the Republican Committees filed their Motion to Intervene, along with the instant Motion for Leave, on April 25—both with a hearing date of May 23. (Index Nos. 42, 45.)

The Minnesota Rules of Civil Procedure already include a mechanism “designed to protect nonparties from having their interests adversely affected by litigation conducted without their participation”—Rule 24. *Luthen v. Luthen*, 596 N.W.2d 278, 281 (Minn. App. 1999). Accepting the Republican Committees' Motion—or permitting them to present argument on the Secretary's Motion—would be to endorse an end-run around the intervention rule. Only *parties* may file dispositive motions in a case. And only non-parties who satisfy the requirements of Rule 24 may become parties. If the Republican Committees are granted intervention in this case, only then, as parties, would they be entitled to file a dispositive motion—with its own hearing date, and an opportunity for Plaintiffs to fully respond. If the Republican Committees wished to have their Motion to Dismiss heard on the same schedule as the Secretary's they could have moved to have their Motion to Intervene adjudicated sooner.

Allowing the Republican Committees to brief and argue a dispositive motion in this case as non-parties, without allowing Plaintiffs an opportunity to respond, would necessarily prejudice Plaintiffs. There is presently only one dispositive motion on the Court's calendar for May 23—the Secretary's Motion to Dismiss. The Republican Committees' Motion for Leave is also scheduled to be heard on May 23, along with their Motion to Intervene. If the Motion for Leave to file a Motion to Dismiss—also with a hearing date of May 23—is granted, Plaintiffs will be deprived of an appropriate opportunity to respond to the Republican Committees' Motion to Dismiss.

For these reasons, the Motion for Leave should be denied. And to the extent the Court is inclined to allow the Republican Committees to intervene and file their own Motion to Dismiss, Plaintiffs respectfully request an appropriate opportunity to respond to such motion.

Dated: May 9, 2024

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**ACKNOWLEDGEMENT**

The undersigned hereby acknowledges that pursuant to Minn. Stat. § 549.211, subdiv. 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, subdiv. 2.

/s/ Sybil L. Dunlop

Sybil L. Dunlop