

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT
CASE TYPE: CIVIL OTHER

Al Franken for Senate,

Case No. _____

Plaintiff,

vs.

Ramsey County, Joseph Mansky,
and John Does and Jane Does,

**NOTICE OF MOTION AND MOTION FOR
TEMPORARY RESTRAINING ORDER
AND TEMPORARY INJUNCTION**

Defendants.

To: Defendants and their counsel of record: Susan Gaertner, Ramsey County Attorney, and Darwin Lookingbill, 50 West Kellogg Boulevard #315, St. Paul, Minnesota 55101;

NOTICE OF MOTION

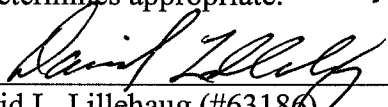
PLEASE TAKE NOTICE that at the earliest available time available with the Court, before a Judge of the District Court and in a courtroom to be determined, Plaintiff will bring the following motion on for hearing at the Ramsey County District Courthouse, 15 West Kellogg Blvd., St. Paul, Minnesota 55102. This motion will be made upon all of the files and records herein, including the memorandum and the Affidavit of David L. Lillehaug submitted herewith

MOTION

Plaintiffs move for an Order as follows:

1. Declaring and adjudging that Plaintiff has the right to obtain or access all public data identified in its November 9 and 11, 2008 Minnesota Government Data Practices Act requests to Defendants, including the names and addresses of all persons who submitted absentee ballots in connection with the general election on November 4, 2008 but whose ballots were rejected or otherwise not counted, and the reason(s) for the rejections.
2. Temporarily restraining and enjoining Defendants, and all persons acting in concert with them, from refusing to provide the public data Plaintiff has requested under the MGDPA.
3. Ordering Defendants to produce immediately the requested data at a fee fairly representing Defendants' reasonable production costs.
4. Authorizing service of the Order to be made on Defendants by delivery or facsimile transmission to the Office of the Ramsey County Attorney, which shall be deemed sufficient service for all purposes.
5. Awarding such other relief as the Court determines appropriate.

Dated: November 13, 2008

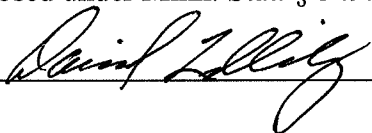


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ATTORNEYS FOR PLAINTIFF

ACKNOWLEDGMENT

Plaintiff acknowledges that sanctions may be imposed under Minn. Stat. § 549.211.



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