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Court Administrator

STATE OF MINNESOTA
IN SUPREME COURT

OFFICE OF
APPELLATE COURTS

JAN 15 2009

JAN 22 2009

Court File No. A09-65

FILED

By [Signature] Deputy

Dennis Peterson, Donald Applebee, Donelda Applebee, Jennifer Bartholomay, Mary Bell, Arvid Blackbird, Marilyn Borgen, Jordan Brandt, Catherine Bringham, Emma Bruggeman, Harold Buck, Judith Conlow, Ursela Cowan, Kourtney Dropps, Jeffrey Dustin, Laurence Engebretson, Debra Erickson, Dennis Erickson, Kim Falde, Josephine Garcia, Robin Girtz, Hannah Gorski, Ross Grandlienard, Richard Haefner, Sophie Hall, Caitlin Heinz, Alexis Horan, Phyllis Jarvis, Brian Johnson, Katie Kaszynski, Gloria Kervina, Evelyn Koehnen, Mary Koenigsberger, Michael Liebig, Craig Lindquist, Christopher Ludvigson, Phyllis Mathiowetz, Greg McCool, Michael Misterek, Tempest Moore, Donna Mortenson, Eila Nelson, Rebekah Nelson, Orin Ottman, Leona Quinlan, Thomas Quinlan, Charles Quinn, Gerald Ratzlaff, Joan Ratzlaff, Hubert Redepenning, Brenda Rengo, Christy Revsbeck, John Robertus, Karen Robitz, Roxanna Saad, June Srok, Douglas Stange, Ryan Stoa, Walter Thompson, Todd Toner, Carole Treloar, Shirley Vandyk, Audrey Verlo, and Lora West,

Petitioners,

v.

Mark Ritchie, Minnesota Secretary of State; Carlton County; Cass County; Clay County; Crow Wing County; Dakota County; Hennepin County; Kittson County; Lac Qui Parle County; Lake County; Morrison County; Olmsted County; Pine County; Pope County; Ramsey County; Saint Louis County; Stearns County; Washington County; and Winona County,

Respondents.

MOTION OF NORM COLEMAN TO INTERVENE

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Attorneys for Norm Coleman

Pursuant to Minn. R. Civ. App. P. 127, Norm Coleman (“Coleman”) respectfully moves this Court for leave to intervene in this action. Petitioners ask this Court to resolve a question, whether Petitioners’ absentee ballots were properly rejected, which it already expressly determined is best left to a statutorily-prescribed election contest where evidence may be both gathered and presented. Coleman initiated such a contest on January 6, 2009, and seeks intervention now in order to protect his interest in the fair and accurate resolution of the November 4, 2008 election.

1. Candidates and related parties should be permitted to intervene in proceedings such as that brought by Petitioners. *See, e.g., Erlandson v. Kiffmeyer*, 659 N.W.2d 724, 726 (Minn. 2003); *Studer v. Kiffmeyer*, 712 N.W.2d 552, 554 n.3 (Minn. 2006).

2. Coleman has an interest in the relief sought in this proceeding, specifically, that the Court order that absentee ballots, cast in the November 4, 2008 general election

and purportedly wrongly rejected, be opened and counted. Coleman is the incumbent candidate for the office of United States Senator for the State of Minnesota.

3. Coleman is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect his interests. Indeed, the Petition threatens to undermine the contest action already underway and in which this Court has indicated claims of this nature belong.

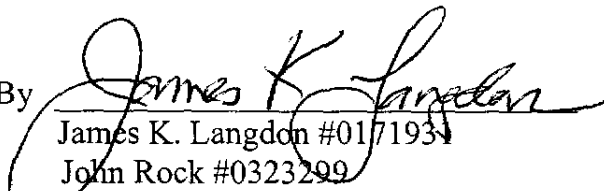
4. Coleman's claims and defenses have a common question of law and fact with those in this action.

5. Intervention will not unduly delay or prejudice the adjudication of the rights of the original parties and will in fact help to ensure that the election is fairly resolved and that all ballots properly cast are counted.

6. Coleman has filed this application in a timely manner.

Dated: January 15, 2009

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State of Minnesota, Supreme Court
I hereby Certify that the foregoing instru-
ment is a true and correct copy of the
original as the same appears on record in
my office this 21 day of January
20 09
Kyle Metzger
Asst. Deputy Clerk

JAMES K. LANGDON
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January 15, 2009

VIA MESSENGER

The Honorable Alan C. Page
Justice, Minnesota Supreme Court
Supreme Court of the State of Minnesota
305 Minnesota Judicial Center
25 Rev. Dr. Martin Luther King, Jr. Blvd.
St. Paul, MN 55155

OFFICE OF
APPELLATE COURTS *h*

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A09-65

Re: Dennis Peter, et al. v. Mark Ritchie, et al

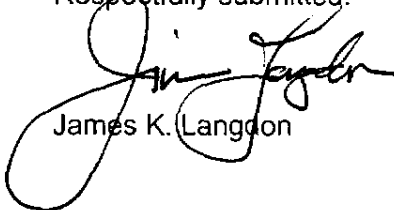
Dear Justice Page:

I enclose for filing in the above-reference matter the original and one copy of the Motion of Norm Coleman to Intervene.

By copy of this letter, all parties are being served via e-mail.

Thank you.

Respectfully submitted.


James K. Langdon

JKL:dlb

Enc.

cc: Mr. Frederick K. Grittner (via email)
Parties Listed on Attached (w/enc.) (via email)