

FILED  
Court Administrator

JAN 23 2009

By CX Deputy

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STATE OF MINNESOTA  
COUNTY OF RAMSEY

DISTRICT COURT  
SECOND JUDICIAL DISTRICT  
Case Type: CIVIL OTHER

File No. 62-CV-09-56

In the Matter of the Contest of General  
Election held on November 4, 2008, for the  
purpose of electing a United States Senator  
from the State of Minnesota,

Cullen Sheehan and Norm Coleman,  
  
Contestants,

v.

Al Franken,

Contestee.

**CONTESTANTS'  
MEMORANDUM OF LAW IN  
OPPOSITION TO MOTION TO  
STRIKE UNSUPPORTED  
CLAIMS**

Notwithstanding the fact that the parties already have fully briefed Contestee's Motion to Dismiss and the Court already has held oral argument on the motion, Contestee has filed yet another motion, styled a Motion to Strike Unsupported Claims, that repeats the arguments in his pending Motion to Dismiss. Contestee claims that Contestants, in their Answers to First Set of Interrogatories, have failed to provide the required specificity or evidentiary support for Paragraphs 10, 11, 12(e), 15, 16, 18, and 20 of the Notice of Contest.

Contestants have already responded to these same claims in their Memorandum in Opposition to the Motion to Dismiss (pages 12-14) and during the January 21 oral argument on the motion to dismiss. In any event, as indicated in Contestants' Interrogatory Answers, discovery in this matter is proceeding, with much of the

information requested by Contestants still in the hands of governmental entities. In addition, Contestants have not yet had an opportunity to inspect election materials pursuant to Minn. Stat. § 209.06. Finally, despite Contestee's claims, Contestants' Motion for Summary Judgment and supporting materials, wherein Contestants have identified why certain previously rejected absentee ballots should be accepted and counted, provide further support for its claims. Thus, this Motion should be denied.

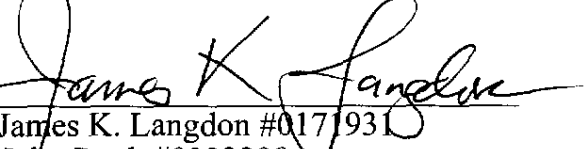
### **CONCLUSION**

For the reasons set forth above, Contestants respectfully request that the Court deny Contestee's Motion to Strike.

Dated: January 22, 2009

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