

FILED
Court Administrator

JAN 21 2009

DISTRICT COURT

STATE OF MINNESOTA

COUNTY OF RAMSEY

By JUN Deputy SECOND JUDICIAL DISTRICT

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

District Court File No. 62-CV-09-56

Cullen Sheehan and Norm Coleman,

Contestants,

vs.

Al Franken,

Contestees,

Dennis Peterson, et. al.,

Petitioners,

Supreme Court File No. A09-65

vs.

Mark Ritchie, Minnesota Secretary of State, et. al.,

Respondents.

PETITIONERS' NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that, pursuant to the Order of the Minnesota Supreme Court dated January 16, 2009 referring this Minn. Stat. § 204B.44 Petition to this Court and this Court's Scheduling Order dated January 16, 2009 in the above-captioned matter, on the 23rd day of January, 2009 at 9:30 a.m., or as soon thereafter as the parties may be heard, Petitioners Dennis Peterson, et. al. ("Petitioners"), through their attorneys, Lockridge Grindal Nauen P.L.L.P., will move, and hereby move, this Court, the Honorable Elizabeth A. Hayden, the Honorable Kurt J. Marben, and the Honorable Denise D. Reilly, presiding, at the Minnesota

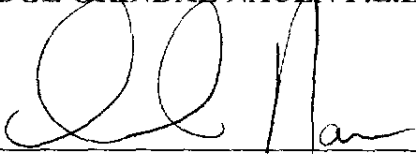
Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Boulevard, St. Paul, State of Minnesota, for the entry of an order granting summary judgment in their favor pursuant to Rule 56 of the Minnesota Rules of Civil Procedure.

Petitioners respectfully request this Court grant judgment as a matter of law in their favor as follows:

1. Directing that Petitioners' absentee ballots shall be opened and counted immediately, and the total be declared and certified, for such use as might be appropriate by the United States Senate, this Court in the above-captioned matter, or any other proper use under law; and
2. Granting Petitioners such other relief as the Court deems just and appropriate.

Date: January 21, 2009

LOCKRIDGE GRINDAL NAUEN P.L.L.P.

By: 

Charles N. Nauen, #121216

William A. Gengler, #210626

David J. Zoll, #0330681

100 Washington Avenue South, Suite 2200

Minneapolis, MN 55401

Telephone: 612-339-6900

Facsimile: 612-339-0981

ATTORNEYS FOR PETITIONERS