

FEB 26 2009

FILED

STATE OF MINNESOTA

IN SUPREME COURT

A09-345

Harold Shad, et al.,

Petitioners,

vs.

Mark Ritchie, Minnesota Secretary of State,
Cass County, Dakota County, Hennepin County,
Pope County, Ramsey County, Sherburne
County, St. Louis County, Wabasha County,

Respondents.

ORDER

Harold Shad and 29 other voters who allege their absentee ballots in the November 4, 2008 general election were wrongfully rejected have filed a petition under Minn. Stat. § 204B.44 (2008) seeking an order of this court directing that their absentee ballots be opened and counted and the total of their votes for United States Senator be declared and certified “for such use as might be deemed appropriate by the United States Senate or the judges responsible for the election contest pending in the District Court for Ramsey County, No. 62-CV-09-56 or any other proper use under law.”

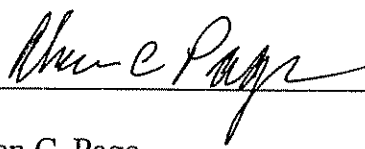
Based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED that within seven days of the filing of this order, petitioners shall serve and file a memorandum of law addressing why this petition should

not be dismissed as untimely in light of the seven-day deadline for filing a notice of contest after a recount under Minn. Stat. §§ 209.021, subd. 1, and 204C.35, subd. 1(d) (2008). Any other party may serve and file a memorandum addressing that issue by the same deadline. Eleven copies of each memorandum shall be filed in the format prescribed in Minn. R. Civ. App. P. 132.02, except that all material must appear in at least 13-point type.

Dated: February 26, 2009

BY THE COURT:



Alan C. Page
Associate Justice

MAGNUSON, C.J., and ANDERSON, G. Barry, J., took no part in the consideration or decision of this matter.