

FILED  
Court Administrator

JAN 12 2009

DISTRICT COURT

12 STATE OF MINNESOTA

COUNTY OF RAMSEY

By  Deputy

SECOND JUDICIAL DISTRICT  
CASE TYPE: CIVIL OTHER

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,

Case No. 62-CV-09-56

Cullen Sheehan and Norm Coleman,

**CONTESTEE AL FRANKEN'S MOTION  
TO DISMISS**

Contestants,

vs.

Al Franken,

Contestee.

TO: Contestants Cullen Sheehan and Norm Coleman and their counsel, Frederic W. Knaak, Esq., Knaak & Kantrud, P.A., 3500 Willow Lake Boulevard, Vadnais Heights, MN 55110; Tony Trimble, Esq., Trimble & Associates, Ltd., Suite 130, 10201 Wayzata Boulevard, Minnetonka, MN 55305; and Roger J. Magnuson, Esq. and James K. Langdon, Esq., Dorsey & Whitney PLLP, 50 South Sixth Street, Suite 1500, Minneapolis MN 55402-1498.

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, on a date, at a time, and in a courtroom to be scheduled by the Court, pursuant to Minn. R. Civ. P. 12.02(a) and (e), Contestee Al Franken will move to dismiss the Notice of Contest.

**MOTION**

Contestee Al Franken hereby moves the Court for an order as follows:

1. Dismissing the Notice of Contest with prejudice due to lack of subject matter jurisdiction over the matters presented.

2. Dismissing the Notice of Contest with prejudice due to the failure of the Notice to Contest to state a claim upon which relief can be granted.

3. Ordering such other relief as the Court deems appropriate.

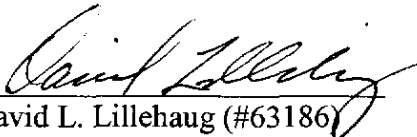
This motion is based on the Memorandum in Support of Contestee's Motion to Dismiss, and all the files, records and proceedings herein.

Dated: January 12, 2009

PERKINS COIE, LLP

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*Application for Admission Pro Hac Vice  
Pending*

*Attorneys for Contestee Al Franken*

#### ACKNOWLEDGMENT

The party upon whose behalf this pleading is submitted, by and through the undersigned, hereby acknowledges that sanctions may be imposed for a violation of Minn. Stat. § 549.211.

Dated: January 12, 2009

  
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