

DEC 15 2008

FILED

No. A08-2169

State of Minnesota

In Supreme Court

Cullen Sheehan, Norm Coleman, Cara Beth Lindell, and John Doe,

Petitioners,

vs.

Mark Ritchie, Minnesota Secretary of State, the Minnesota State Canvassing Board,
Isanti County Canvassing Board and Terry Treichel, Isanti County Auditor-Treasurer,
individually and on behalf of all County and Local Election Officers and County
Canvassing Boards,

Respondents.

MOTION OF AL FRANKEN FOR SENATE AND AL FRANKEN TO INTERVENE

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Pursuant to Minn. R. Civ. App. P. 127, Al Franken for Senate and Al Franken (“the Franken Parties”) respectfully move this Court for leave to intervene in this action.¹ The Franken Parties seeks intervention in this action to raise claims and defenses in response to the Amended Petition to Show Cause Pursuant to Minn. Stat. § 204B.44. As grounds for this motion, the Franken Parties state:

1. Candidates and related parties should be permitted to intervene in proceedings such as that brought by petitioners. *See, e.g., McDonough v. Hickey*, 180 N.W.2d 415 (Minn. 1970); *Fetsch v. Holm*, 52 N.W.2d 113 (Minn. 1952); *Democratic-Farmer-Labor State Central Committee v. Holm*, 33 N.W.2d 831 (Minn. 1948).
2. The Franken Parties have an interest in the transaction that is the subject of this proceeding, the administrative recount in the election of the United States Senator. The Franken for Senate Committee represents Al Franken in his candidacy for office of U.S. Senator.
3. The Franken Parties are so situated that the disposition of the action may as a practical matter impair or impede its ability to protect its interest.
4. The Franken Parties have filed this application in a timely manner.
5. The Franken Parties’ claims and defenses have a common question of law and fact with those in this action.
6. Intervention will not unduly delay or prejudice the adjudication of the rights of the original parties.
7. The Franken Parties have filed this application in a timely manner.

¹ The Franken Parties respectfully request that this Court consider its motion as soon as is practicable.

Respectfully submitted,



Dated: December 14, 2008

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