STATE OF MINNESOTA
IN SUPREME COURT

Court File No. A09-345

Harold Shad; Joy Andis; Kristi Moler; Cynthia Racine; Kelsey Smith; Jordan Traub; Phyllis Ebert; Donald Gleason; Raymond Kocisko; Mary Nelson; Patricia Panagos; Neal Rootes ;Jeanette Stenson; John Sullivan-Fedock; Clarice Brederson; Henry Abel; Muriel Elaine Anderson; Maura Coonan; George Fairbanks; Gloria Fairbanks; Gerald Gauster; Lorraine Gauster; Richard Myslajek; Christine Paulu; Molly Vinyard-Williamson; Sarah Wilensky; Jessica Fark; Guilford Lewis; Barbara Miller; and Kathleen Wetterstrom,

Petitioners,

vs.

Mark Ritchie, Minnesota Secretary of State; Cass County; Dakota County; Hennepin County; Pope County; Ramsey County; Sherburne County; Saint Louis County; and Wabasha County,

Respondents.

AFFIDAVIT OF CHARLES N. NAUEN IN SUPPORT OF PETITIONERS' MEMORANDUM OF LAW REGARDING TIMELINESS OF PETITION BY CERTAIN MINNESOTA VOTERS TO HAVE THEIR VOTES COUNTED PURSUANT TO MINN. STAT. § 204B.44

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Charles N. Nauen, being duly sworn, deposes and states:

1. I am a partner with the law firm of Lockridge Grindal Nauen P.L.L.P. I represent Petitioners in the above captioned matter. I submit this affidavit in support of Petitioners'

Memorandum of Law Regarding Timeliness of Petition by Certain Minnesota Voters to have their Votes Counted Pursuant to Minn. Stat. § 204B.44.

2. I also represent the Petitioners who, on January 13, 2009, filed a virtually identical petition (No. A09-65) in this Court pursuant to Minn. Stat. § 204B.44. The Court referred the January 13 petition for consideration and decision by the three-judge district court panel as part of the election contest pending in Ramsey County District Court, No. 62-CV-09-56. The January 13 Petitioners and the Petitioners in the above-captioned matter advance similar claims and share common interests and issues.

3. When I filed the instant petition, I presumed that it would be referred, like the January 13 petition, for consideration and decision by the three-judge district court panel as part of the pending election contest. The petition was hand-delivered to the Court for filing on February 20, 2009, and is file-stamped February 23, 2009.

4. Trial in the election contest started on January 26, 2009, and continues at this time. Contestee began presenting his case today, March 3. I expect to begin trying the claims of the January 13 Petitioners after Contestee rests, reportedly in approximately two to three weeks from now.

5. I presumed that I would try the claims of the Petitioners in the above-captioned matter, to the extent claims remain after a possible summary judgment motion, in conjunction with or immediately after the January 13 Petitioners' claims are tried.

6. I believe that trying the claims of the Petitioners in the above-captioned matter would add less than a day to the trial. I believe that the claims of the Petitioners in the

above-captioned matter and the January 13 Petitioners can be tried together in approximately one day.

FURTHER YOUR AFFIANT SAYETH NOT.

Charles N. Nauen

Signed and sworn to before me
this 3rd day of March 2009

Notary Public

JANET TREIBER
Notary Public-Minnesota
My Commission Expires Jan 31, 2010