

STATE OF MINNESOTA
SPECIAL REDISTRICTING PANEL

A21-0243
A21-0546

FILED

July 21, 2021

**OFFICE OF
APPELLATE COURTS**

Peter S. Wattson, Joseph Mansky,
Nancy B. Greenwood, Mary E. Kupper,
Douglas W. Backstrom, and James E. Hougas, III,
individually and on behalf of all citizens and
voting residents of Minnesota similarly situated,

Plaintiffs,

vs.

Steve Simon, Secretary of State of Minnesota;
and Kendra Olson, Carver County Elections and
Licensing Manager, individually and on behalf of all
Minnesota county chief election officers,

Defendants,

and

Frank Sachs, Dagny Heimisdottir, Michael Arulfo,
Tanwi Prigge, Jennifer Guertin, Garrison O'Keith
McMurtrey, Mara Lee Glubka, Jeffrey Strand,
Danielle Main, and Wayne Grimmer,

Plaintiffs,

vs.

Steve Simon, Secretary of State of Minnesota,

Defendant.

ORDER

On June 30, 2021, Chief Justice Lorie S. Gildea of the Minnesota Supreme Court appointed the five judges of this special redistricting panel “to hear and decide all matters, including all pretrial and trial motions, in connection with the claims asserted in the complaints filed in these cases in the district courts,” and “any additional challenges that are filed in state court to the validity of state legislative and congressional districts based on the 2020 Census.” *Watson v. Simon*, No. A21-0243 (Minn. June 30, 2021) (Order of Chief Justice). The chief justice also referred to the panel a pending motion to add a party and amend the complaint.

On June 23, 2021, plaintiffs Peter S. Watson, et al. (the Watson plaintiffs) and the League of Women Voters Minnesota (the League) filed a motion to add the League as a plaintiff under Minn. R. Civ. P. 20.01 (permissive joinder), or in the alternative under Minn. R. Civ. P. 19.01 (necessary joinder). They also seek to amend the complaint under Minn. R. Civ. P. 15.01 to reflect the addition.

Plaintiffs Frank Sachs, et al. (the Sachs plaintiffs), defendant Steve Simon, and defendant Kendra Olson have filed responses stating that they do not oppose the motion. Applicants in intervention have also responded, urging the panel to clarify that the League would join the Watson plaintiffs in this action, not join in its own right.

“All persons” may join an action as plaintiffs if (1) “they assert any right to relief” with respect to the same transaction or occurrence, and (2) “any question of fact or law common to all these persons will arise in the action.” Minn. R. Civ. P. 20.01. We construe these requirements liberally to promote judicial efficiency and avoid unnecessary

litigation. *Patterson v. Wu Fam. Corp.*, 608 N.W.2d 863, 867 (Minn. 2000) (citing *Kisch v. Skow*, 233 N.W.2d 732, 735 (Minn. 1975)); accord *Schau v. Buss*, 295 N.W. 910, 912 (Minn. 1940) (stating that “the rule as to allowable joinder should be broad and flexible”).

With respect to the first requirement, the League asserts a right to relief with respect to the apportionment of Minnesota’s congressional and legislative districts. It contends that uneven population growth in the state since the 2010 Census has resulted in the districts being malapportioned, in violation of the constitutional rights of its members and other Minnesotans. With respect to the second requirement, the League’s contention turns on the same facts and legal principles as those advanced in the Wattson plaintiffs’ complaint, and the League does not seek to substantively amend or add to the Wattson plaintiffs’ claims. The League also seeks the same relief—the redrawing of districts to comply with constitutional and statutory principles. Accordingly, we grant the motion to add the League as co-plaintiff with the Wattson plaintiffs.¹

To reflect this addition, the League and the Wattson plaintiffs also seek to amend the complaint. A party may amend a complaint once “as a matter of course” before filing of a responsive pleading. Minn. R. Civ. P. 15.01. Thereafter, a party may amend a pleading “only by leave of court or by written consent of the adverse party,” but “leave shall be freely given when justice so requires.” *Id.* Because the requested amendment merely adds the League to the case caption and does not substantively alter the complaint, we grant the motion to amend the complaint.

¹ Because we conclude that the League has satisfied the requirements of rule 20.01, we need not address the application of rule 19.01.


IT IS HEREBY ORDERED:

1. The Wattson plaintiffs and the League's motion to add the League as a party is GRANTED.

2. The Wattson plaintiffs and the League's motion to amend the complaint is GRANTED.

Dated: July 21, 2021

BY THE PANEL:



Louise Dovre Bjorkman
Presiding Judge

Judge Diane B. Bratvold
Judge Jay D. Carlson
Judge Juanita C. Freeman
Judge Jodi L. Williamson