

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT
CASE TYPE: CIVIL

Destiny Dusosky,

Court File No. _____

Plaintiffs,

v.

**PLAINTIFF'S
CIVIL COVER SHEET**

Michelle Fischbach,

Defendant.

Date Case Filed: **April 10, 2018**

This civil cover sheet must be filed by the initial filing lawyer or party, if unrepresented by legal counsel, unless the court orders all parties or their legal counsel to complete this form. Once the initial civil cover sheet is filed, opposing lawyers or unrepresented parties who have not already been ordered to complete this form may submit their own cover sheet within ten days after being served with the initial cover sheet. See Rule 104 of the General Rules of Practice for the District Courts.

If information is not known to the filing party at the time of filing, it shall be provided to the Court Administrator in writing by the filing party within seven (7) days of learning the information. Any party impleading additional parties shall provide the same information to the Court Administrator. The Court Administrator shall, upon receipt of the completed certificate, notify all parties or their lawyers, if represented by counsel, of the date of filing the action and the file number assigned.

ATTORNEYS FOR PLAINTIFF	ATTORNEYS FOR DEFENDANT
LOCKRIDGE GRINDAL NAUEN P.L.L.P. Charles N. Nauen, #121216 David J. Zoll, #0330681 Arielle S. Wagner, #0398332 100 Washington Avenue South, Suite 2200 Minneapolis, MN 55401 Tel: (612) 339-6900 Fax: (612) 339-0981 cnnauen@locklaw.com djzoll@locklaw.com aswagner@locklaw.com	KELLEY, WOLTER & SCOTT, P.A. Douglas A. Kelley, #54525 Steven E. Wolter, #170707 Daniel M. Scott, #98395 Kevin M. Magnuson, #306599 Brett D. Kelley, #397526 Centre Village Offices, Suite 2350 431 South Seventh Street Minneapolis, MN 55415 Tel: (612) 371-9090

(Attach additional sheet for additional attorneys / parties)

Note: If either Plaintiff or Defendant gets an attorney, the attorney's name, address, telephone number and attorney ID number must be given in writing to the Court Administrator immediately.

1. Provide a concise statement of the case including facts and legal basis:

On February 12, 2018, the Ramsey County District Court dismissed, without prejudice, Plaintiff's Complaint that Lieutenant Governor Michelle Fischbach's stated intention to retain her seat in the Minnesota Senate after ascending to the office of lieutenant governor violated the Minnesota Constitution. The Court cautioned that it had grave concerns regarding whether the Constitution allowed Lieutenant Governor Fischbach to continue to hold the legislative office but reasoned that the action was premature given that the 2018 legislative session had not yet started; that the Senate has exclusive authority to determine the eligibility of its members; and that Destiny Dusosky had not suffered a particularized injury.

Circumstances have changed in the past eight weeks. The 2018 legislative session is well underway and Lieutenant Governor Fischbach is exercising the powers and duties of the office of state senator for Senate District 13. The Senate has failed to consider whether Lieutenant Governor Fischbach can continue to hold her legislative office. And Destiny Dusosky has been, and will continue to be, deprived of representation in the Minnesota Senate unless the Court intercedes and puts an end to Lieutenant Governor Fischbach's unconstitutional retention of the office of state senator. Plaintiff Destiny Dusosky brings this action, again, seeking an order declaring that Lieutenant Governor Fischbach is prohibited from holding the office of state senator and enjoining her from continuing to exercise the powers and duties of that office.

2. Date Complaint was served: **Plaintiff served the Complaint on April 10, 2018.**

3. For Expedited Litigation Track (ELT) Pilot Courts only:
- the parties jointly and voluntarily agree that this case shall be governed by the Special Rules for ELT Pilot. Date of agreement: _____
 - The court is requested to consider excluding this case from ELT for the following reasons: _____
- Note: ELT is mandatory in certain cases, and where mandatory, exclusion may also be sought by timely motion under the Special Rules for ELT Pilot.
- Anticipated number of trial witnesses: _____
 - Amount of medical expenses to date: _____
 - Amount of lost wages to date: _____
 - Identify any known subrogation interests: _____
4. Estimated discovery completion within **0** month from the date of this form.
5. Disclosure / discovery of electronically stored information discussed with other party?
No. Plaintiff's counsel believes discovery will not be necessary.
If Yes, list agreements, plans, and disputes : **N/A.**
6. Proposed trial start date: **Plaintiffs' counsel believes that the dispute will be resolved through dispositive motion practice. In the event that trial is necessary, Plaintiff's counsel request that it be scheduled to occur at the earliest practicable date.**
7. Estimated trial time: **1 Day** (estimates less than a day must be stated in hours).
8. Jury trial is:
X waived by consent of Plaintiff Destiny Dusosky pursuant to Minn. R. Civ. P. 38.02.
(specify party)
 requested by _____ (NOTE: Applicable fee must be enclosed) (specify party)
9. Physical/mental/blood examination pursuant to Minn. R. Civ. P. 35 is requested:
 Yes **X No**
10. Identify any party or witness who will require interpreter services, and describe the services needed (specifying language, and if known, particular dialect): **None known at this time.**

11. Issues in dispute: **Plaintiff's counsel believes that the only issue in dispute will be the question of whether Lieutenant Governor Fischbach retained the office of state senator and whether she may continue to exercise the powers of such office after ascending to the office of lieutenant governor.**

12. Case Type / Category: **Civil** (NOTE: select case type from Form 23, Subject Matter Index for Civil Cases, appended to the Minnesota Rules of Civil Procedure).

13. Recommended Alternative Dispute Resolution (ADR) mechanism: **None.**

(See list of ADR processes set forth in Minn. Gen. R. Prac. 114.02(a))

Recommended ADR provider (known as a "neutral"): **N/A**

Recommended ADR completion date: **N/A**

If applicable, reasons why ADR not appropriate for this case: **The only issue in dispute involves the interpretation and operation of the Minnesota Constitution. The dispute cannot be resolved through mediation or other form of ADR.**

By signing below, the attorney or party submitting this form certifies that the above information is true and correct.

Submitted by:

s/Charles N. Nauen

Charles N. Nauen, #121216

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Date: April 10, 2018