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January 13, 2025

Judge Tracy Perzel
First Judicial District
1560 Hwy 55
Hastings, MN, 55033

Your Honor,

Reported events of this past weekend compel me to inform this Court of actions allegedly taken by contestee, Brad Tabke, that, if true, would appear to be a direct attempt by Contestee to flout this Court's authority to decide an active election contest, as well as to flout black letter statutory requirements.

It was reported on Sunday January 12, 2025, that members of the House DFL engaged in a "swearing in" ceremony at the Minnesota Historical Society. Blois Olson, @blois_olson Twitter (Jan. 14, 2025), <https://x.com/bloisolson/status/1878598806629232679?s=42>.¹ As you are aware, Contestant Aaron Paul requested that Mr. Tabke be enjoined from engaging in such activity. Contestant's Proposed Order, ¶ 3.

If these media reports are correct, Mr. Tabke's performative actions would represent a direct attack on this Court and its authority to decide the current action, which presumably, this Court intends to rule on imminently. Mr. Tabke's actions would thus represent a serious attack on separation of powers and this Court's power of judicial review. As such, this Court may wish to consider issuing a show cause order and to hold appropriate proceedings so as to determine whether Mr. Tabke should be subject to sanctions, or be held in contempt of court.²

Beyond raising Mr. Tabke's potentially sanctionable conduct, I write further to advise the Court that Mr. Tabke's actions, while grossly improper, have not affected this Court's ability to enjoin Mr. Tabke from: 1) taking the oath of office; 2) from acting as a member of the Minnesota House of Representatives for House District 54A; and 3) from taking the seat as a member of the Minnesota House of Representatives for District 54A.

¹ "Update: All DFL House members who had an election certificate were sworn in except Curtis Johnson. Rep. @BradTabke was sworn in tonight [...]"

² Contestant reserves the right to file a separate motion for sanctions/contempt of court based on this action or other actions taken by Mr. Tabke.

Given clear, black letter, Minnesota law, Mr. Tabke's "swearing in" was pure political theatre, as Minn. Stat. § 3.05 requires members to be sworn in the chamber on the day set for the beginning of session:

At noon of the day appointed for convening the legislature, the members shall meet in their respective chambers. The lieutenant governor shall call the senate to order and the secretary of state, the house of representatives. In the absence of either officer, the oldest member present shall act in the officer's place. The person so acting shall appoint, from the members present, a clerk pro tem, who shall call the legislative districts in the order of their numbers. As each is called, the persons claiming to be members from each shall present their certificates to be filed. ***All whose certificates are so presented shall then stand and be sworn.***

Minn. Stat. § 3.05(emphasis added).

As such Mr. Tabke's actions are merely desperate acts of performance art which are full of sound and fury, but signify nothing as a matter of law and do not impair this Court's ability to decide this Election Contest and to grant such relief as it deems just and proper.

Finally, while Mr. Tabke's actions to be putatively "sworn in" have no legal significance, it is disturbing that Mr. Tabke may have *viewed* his "swearing in" as legitimate, in which case it was not just a direct attack on this Court, but also a direct attack to circumvent Minnesota law. *See* Minn. Stat. § 3.05.

One can only ponder which laws apply to these individuals and which to the rest of the citizenry of Minnesota. If this was an authentic attempt to swear in members of the House, Shakespeare may have said it best "upon what meat doth this our Caesar feed, That he is grown so great."³

In conclusion, regardless of motivation which led to Sunday's charade, Contestant Paul respectfully requests that you consider the totality of his requested relief and to order such further proceedings as may be required to address Contestee's actions.

Respectfully Submitted,



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³ Julius Caesar, Act I, Scene 2 (155-156).