

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

CASE TYPE: CIVIL/OTHER

Paul Wikstrom,

CASE NO.: 62-CV-24-7378

Contestant,

v.

**MEMORANDUM IN OPPOSITION TO
CONTESTEE’S MOTION TO DISMISS
AND IN SUPPORT OF CONTESTANT’S
MOTION FOR DEFAULT JUDGMENT
AND MOTION *IN LIMINE***

Curtis Johnson,

Contestee.

The Contestant Paul Wikstrom (“Contestant”) files this combined memorandum in opposition to Contestee Curtis Johnson’s (“Contestee”) motion to dismiss and in support of Wikstrom’s motion for default judgment and motion *in limine*. Johnson’s motion to dismiss is not an “answer” mandated under Chapter 209 and hence, not a pleading. Moreover, this motion has no merit. Indeed, even if considered, Contestee waived Contestant’s claim regarding Minnesota Statute § 204B.06 Subd. 1(3). Therefore, Contestant’s relief should be granted. Nevertheless, Wikstrom’s motion for default judgment and motion *in limine* should be granted because Johnson failed to timely file an answer in this general election contest.

I. INTRODUCTION

The plain language of Minnesota Statutes § 209.01 et. al. allows for any eligible voter or candidate to initiate a post-election contest for any deliberate, serious, and material violation¹ of

¹ See Minn. Stat. Ann. § 209.02 (West).

Minnesota Election Law.² Contestee's claims that laches apply and that Minn. Stat. § 209 et. seq. is an improper basis to bring Minnesota Election Law claims are invalid. In Minnesota, a heavy burden is placed upon a contestant to establish a candidate failed to establish residency when seeking elected office. In this case, Contestant was made aware of Contestant's malfeasance through conversations with a "whistleblower" prior to the general election. Prior to filing a claim, investigation and proof needed to be gathered. By the time sufficient evidence was accumulated, it was too late to file a challenge before the election, and any petition denied. This has occurred repeatedly in Minnesota courts. However, the Legislature cured such an issue with the procedures set forth under Chapter 209 for post-election challenges. Because Wikstrom's petition was *timely* served, it is proper to cure the alleged deceit and alleged fraud upon the voters for Minnesota House District 40B and provide the legislature the opportunity to act as the final arbiter of the dispute.

Next, neither Contestee, nor the electorate of House District 40B, are prejudiced because both are interested in compliance with the state Constitution and state election laws. It is vital that the electorate is represented by a legally qualified person who did not defraud the public regarding the claims made to sway a majority of voters. Regardless of who is ultimately elected, all residents deserve a representative who actually lives in the district.

Further, Contestant perfected jurisdiction and brought his claims when it was ripe under Minn. Stat. § 209.021, as statutorily allowed to challenge violations of Minnesota Election Law. Contestee's preference for an alternative procedure, under these circumstances, is not only inappropriate, but to suggest it might be more favorable for him is irrelevant.

² Minn. Stat. Ann. § 200.01 (West) reads: "This chapter and chapters 201, 202A, 203B, 204B, 204C, 204D, 205, 205A, 206, 208, 209, 211A, 211B, and 211C shall be known as the Minnesota Election Law."

Next, Johnson's failure to serve a statutorily mandated answer prejudiced the Contestant. Minn. Stat. § 209.03 mandates an answer to be served within seven days of service of the Notice of Contest. The legislature mandated an answer for a reason: to allow the Contestant, and likely the court, to understand the Contestee's challenge to every allegation made, to prepare for the ultimate evidentiary hearing. Here, the mere filing of a motion to dismiss, not only fails in this regard, but also, if considered in the first instance, this Court should be obligated to rule against Johnson for his failure to challenge all allegations and claims and thus, waived those allegations and remaining claims.

Moreover, while the Minnesota Rules of Civil Procedure allows for a dispositive motion (not a pleading under Rule 7.02) to substitute for an answer (a pleading under Rule 7.01), the dispositive motion itself is not an answer. Contestant has no idea which part of his Notice of Election Contest are admitted or denied. The governing statute is explicit; serve an answer within seven days. There are no exceptions to the statutory mandate.

Meanwhile, Contestee's motion to dismiss is an effort to hijack the underlying Notice. Wikstrom is the "master of his notice."³ Chapter 209 specifically allows for challenges, post-election, under all Minnesota Election Laws under Minn. Stat. § 200.01: "This chapter and chapters 201, 202A, 203B, 204B, 204C, 204D, 205, 205A, 206, 208, 209, 211A, 211B, and 211C shall be known as the 'Minnesota Election Law.'" Suggesting that Contestant's Notice cannot

³ See e.g., "[L]ike any other plaintiff, [the plaintiff] 'is the master of [his] own complaint.'" *Prairie Rivers Network v. Dynegy Midwest Generation, LLC*, 2 F.4th 1002, 1012 (7th Cir. 2021) (citation omitted); *Standard Fire Ins. Co. v. Knowles*, 568 U.S. 588, 595 (2013); *Rogers v. Webstaurant Store, Inc.*, 774 F. App'x 278, 282 (6th Cir. May 23, 2019) (citations omitted) ("[S]he decides who to sue, where to sue, how to sue, and what to sue about.").

otherwise assert violations under § 204B, in the absence of a § 204B.44 petition is a failure of statutory interpretation and application of the law. Regardless, as Johnson argues in his motion to dismiss challenging Wikstrom's claims under § 204B.06, subd. 4a(4), he failed to address Contestant's second claim under § 204B.06, subd. 1(3). Therefore, as previously mentioned, the claim is waived, and judgment should be entered in favor of Contestant.

In the end, Contestee failed to file the mandated service of an answer, and second, if the motion to dismiss is considered, waived any challenge under Minn. Stat. § 204B.06, subd. 1(3). Hence, this Court should consider denying the motion to dismiss and enter a default judgment against Contestee on wither the whole or part of Contestant's election contest. Additionally, this Court should grant Contestant's Motion *in Limine* that at the evidentiary hearing on Thursday, December 5, 2024, to prohibit the filing or introduction of any answer, or any other evidence by Contestee seeking to challenge Wikstrom's claims regarding violations of Minn. Stat. § 204B.06, subd. 1(3). Instead, the hearing should solely focus on Wikstrom's claim, as the Contestant, that Johnson violated Minn. Stat. § 204B.06, subd. 4a(4), limiting Johnson to addressing that single claim.

STATEMENT OF FACTS

The Contestant, on Wednesday, November 20, 2024, served his Notice of Election Contest, under Chapter 209, by having the Notice personally served upon the Contestee. A courtesy copy of the Notice was also served upon the Ramsey County Auditor (also known as the Director of Property Tax, Records & Election Services) and the Minnesota Secretary of State. With the submission of the Notice upon the Ramsey County Court Administrator, the Administrator then forwarded a copy of the Notice of Election Contest to Chief Justice Natalie Hudson of the

Minnesota State Supreme Court on Friday, November 22, 2024. On the same day, Contestee's counsel submitted a notice of appearance with the Court Administrator.

On Tuesday, November 26, 2024, the Chief Justice sent a list of ten judicial officers to both parties available to hear the case. On Wednesday, November 27, 2024, counsel for the parties met to select a judge for the Election Contest. They choose the Honorable Leonardo Castro. On the same day, counsel for both parties met with Judge Castro, wherein counsel for Johnson announced that he would be filing a motion to dismiss, and hearing for that motion is now scheduled for Tuesday, December 3, 2024, at 11:00 a.m. In addition, this Court scheduled an evidentiary hearing on the Notice of Contest for Thursday, December 5, 2024 at 1:30 p.m.

Immediately following the hearing, Johnson served his motion to dismiss, with a memorandum of law and supporting affidavit and exhibit.

Unlike the Contestee, Contestant performed all mandated requirements under Minn. Stat. §§209.01, et seq., to perfect jurisdiction and allow the Notice of Contest to be heard by this Court. However, Johnson failed to serve and provide notice of service of an answer within seven days of receiving notice of service of Contestant's Notice of Election Contest. This mandate, found under Minn. Stat. § 209.03, subd. 2, is essential for a Contestant to understand which claims and facts are affirmed or denied, the affirmative defenses Contestee plans to assert, and to ascertain a sense of the evidence to be utilized by a Contestee at the statutorily mandated evidentiary hearing. The statute provides no "wobble" room—"For all other election contests the contestee's answer to the notice of contest must be filed and served on the contestant...If the contest relates to a general or special election, service of the answer must be made within seven days after service of the notice of contest." The legislature intended for the Contestant to fully receive and understand a

Contestee's position of *all* factual or legal allegations asserted in the Notice, *in the first instance*, and to do so in a timely manner.

Here, Contestee filed a declaration with his motion to dismiss which of itself is nothing more than an admission of material disputes of fact, which this Court should not accept. An evidentiary trial will allow not only challenge the veracity of the candidate and documents submitted, but also allow for the testimony of opposing witnesses to further support the factual allegations which in a motion to dismiss must be asserted as true. Without the mandated answer from Contestee, it cannot be said Contestee has denied *all* factual allegations. In fact, Contestee waived the claim asserted under Minn. Stat. § 204B.06, subd. 1(3). Further, Contestee's Motion to Dismiss provided no guidance to Contestant regarding whether his claims under § 204B.06, subd. 4a(4) were accepted or denied creating further uncertainty and prejudice toward Contestant.

Contestant performed all the actions required by Minnesota Statutes § 209 et. seq., to perfect jurisdiction and allow the case to be heard by this Court. However, Contestee failed to serve and provide notice of service of an answer within seven days of receiving notice of service of Contestant's Notice of Election Contest. This requirement, found in Minnesota Statute § 209.03 Subd. 2, is essential for Contestant to understand which claims and facts are accepted and denied and to ascertain a sense of the evidence to be utilized by Contestee at the evidentiary hearing. Due to the expedited nature of a Chapter 209 Notice of Election Contest, there is no ability to request an extension or for Contestant's counsel to prepare properly if Contestee's Answer and Evidence are presented 24-48 hours prior to the evidentiary hearing. Contestant is under the impression that Contestee intends to still file an answer despite failing to file it on time and to contest all Contestant's claims despite failing to present arguments in opposition to Contestant's claim Contestee violated Minnesota Statute § 204B.06 subd. 1(3). Further, Contestee's Motion to

Dismiss provided no guidance to Contestant whether his claims were accepted or denied regarding § 204B.06 subd. 4a(4), creating further uncertainty and prejudice toward Contestant.

ARGUMENT AND ANALYSIS

A. Legal Standard

i. Motion to Dismiss

A contestee may move to dismiss under Minn. R. Civ. P. 12.02(e) for failure to state a claim upon which relief can be granted to challenge the legal sufficiency of the grounds on which an election contest is based. *Bergstrom v. McEwen*, 960 N.W.2d 556, 562–63 (Minn. 2021) (citing *Derus v. Higgins*, 555 N.W.2d 515, 516 n.4 (Minn. 1996) and *Franson v. Carlson*, 272 Minn. 376, 137 N.W.2d 835, 839 (1965)). The court accepts the facts alleged in the complaint as true and construe all reasonable inferences in favor of the nonmoving party. *Walsh v. U.S. Bank, N.A.*, 851 N.W.2d 598, 606 (Minn. 2014).

ii. Motion for Default Judgment

The legal standard to properly file a motion for default judgment in Minnesota is primarily governed by Minn. R. Civ. P. 55.01. According to this rule, a default judgment may be entered when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend within the time allowed by the rules or statute, and this fact is made to appear by affidavit. *Black v. Rimmer*, 700 N.W.2d 521 (2005).

iii. Motion in Limine

The question of whether to admit or exclude evidence is within the district court's discretion. *In re Conservatorship of Smith*, 655 N.W.2d 814, 820 (Minn. Ct. App. 2003) (Citing *Kroning v. State Farm Auto. Ins. Co.*, 567 N.W.2d 42, 45–46 (Minn.1997)). “Relevant evidence means evidence having any tendency to make the existence of any fact that is of consequence to

the determination of the action more probable or less probable than it would be without the evidence.” Minn. R. Evid. 401. Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence. Minn. R. Evid. 403.

B. Contestant Properly Brought a Chapter 209 Election Contest

Contestee’s motion to dismiss should be denied because Contestant brought a proper Election Contest under Minn. Stat. §§ 209 et. seq., making any argument regarding laches and “improper basis” arguments unfounded. The right to submit an election contest is purely statutory. *Bergstrom v. McEwen*, 960 N.W.2d 556, 563 (Minn. 2021). *See also Phillips v. Ericson*, 248 Minn. 452, 80 N.W.2d 513, 517 (1957). Therefore, the provisions of the statute relating to the filing and serving of notice must be strictly followed if the court is to acquire jurisdiction. *Greenly v. Indep. Sch. Dist. No. 316*, 395 N.W.2d 86, 90 (Minn. App. 1986) *see also Petrafeso v. McFarlin*, 296 Minn. 120 (1973). A review of the claims under Chapter 209 governing an Election Contest as well as the failure of Contestee to raise any issues with Contestant’s perfection of jurisdiction demonstrates the sufficiency of Contestant’s claims to deny Contestee his motion to dismiss.

Under Minn. Stat. § 209.02, a person may challenge an election of a candidate for “deliberate, serious, and material” violations of Minnesota Election Laws:

Any eligible voter, including a candidate, may contest in the manner provided in this chapter: (1) the nomination or election of any person for whom the voter had the right to vote if that person is declared nominated or elected to...a... legislative, ... office[.]... The contest may be brought ... on the grounds of deliberate, serious, and material violations of the Minnesota Election Law.

The phrase “Minnesota Election Law” is uniquely capitalized because it refers back to the definition of Minnesota Election Law found in Minn. Stat. § 200.01. The statute reads, “This

chapter and chapters 201, 202A, 203B, 204B, 204C, 204D, 205, 205A, 206, 208, 209, 211A, 211B, and 211C shall be known as the *Minnesota Election Law* (emphasis Added).” Therefore, as long as the claim brought under one of those chapters is “deliberate, serious, and material” the violation of the election law is properly brought under Minn. Stat. § 209.02.

Additionally, Contestant brought his Chapter 209 Election Contest when it was ripe. Ripeness depends on two factors: filing within the statutory time limits and proper filing and service. A claim becomes ripe when a notice of contest is filed and served within the statutory time limits. Specifically, the notice of contest must be filed within seven days after the completion of the canvass of votes and cannot be filed prior to the canvass. *Coleman v. Ritchie*, 762 N.W.2d 218 (2009). Further, the statutory requirements for filing and serving the notice of contest are critical to the ripeness of the claim. Failure to comply with these requirements can result in the dismissal of the contest for lack of jurisdiction *Franson v. Carlson*, 272 Minn. 376 (1965). In *Franson*, a notice of election contest was filed prior to the completion of the canvass. The court ruled the notice premature and invalid. Therefore, that Contestant’s filing was premature. Here, Contestant’s Notice of Election Contest met the timeliness requirements found in Chapter 209.

Since Contestant perfected jurisdiction, bringing his Notice of Election Contest when ripe, and Contestee made no claims otherwise, this Motion to Dismiss is unfounded. Contestee cannot claim prejudice. Since violations under § 204B are part of the defined chapters of Minnesota’s Election Laws, the motion to dismiss lacks merit based on the arguments found therein.

C. Laches Fails Because Prejudice Against Contestee is Minimal and Chapter 204B is a Proper Basis for A Chapter 209 Election Contest Claim

In the alternative, Contestee asserts laches and “improper basis” for an election contest under Chapter 209 to support his motion to dismiss. Contestant could not have contested Contestee’s residency prior to the general election. Contestant acted as soon as he was made aware

of potential violations of Minnesota Election Law. Contestant and his investigative team couldn't file until a proper investigation has produced enough evidence to overcome the presumption standard found in *Moe v. Alsop*, 180 N.W.2d 255 (1970). Despite a resounding victory, voters are more prejudiced by a candidate who does not follow residency requirements outlined in the Minnesota Constitution and state election law statutes than by a candidate to hold a fraudulently obtained office. Finally, as the Notice of Contest reveals, by the time the investigation had gathered sufficient evidence for a claim, the only viable option was a Chapter 209 election contest, which if properly filed and served should impose no undue burden on Contestee.

a. Contestant Acted as Soon as Made Aware of Residency Violations

Laches is an equitable doctrine that “prevent[s] one who has not been diligent in asserting a known right from recovering at the expense of one who has been prejudiced by the delay.” *Carlson v. Ritchie*, 830 N.W.2d 887, 891 (Minn. 2013) quoting *Winters v. Kiffmeyer*, 650 N.W.2d 167, 169 (Minn.2002). When considering laches, the court is to ask, “whether there has been such an unreasonable delay in asserting a known right, resulting in prejudice to others, as would make it inequitable to grant the relief prayed for.” *Id.* at 891. A person has knowledge of the right to make a claim when he or she has actual notice of the claim or, in the exercise of proper diligence, ought to have discovered it. *Jackel v. Brower*, 668 N.W.2d 685, 691 (Minn. Ct. App. 2003) see also *Steenberg v. Kaysen*, 229 Minn. 300, 309, 39 N.W.2d 18, 23 (1949). Additionally, in residency challenges some delay is excused because the challenger to a residency claim bears the burden of proof, *Monaghan v. Simon*, 888 N.W.2d 324, 330 (Minn. 2016) see *Moe*, 180 N.W.2d at 260 (1970).

Contestee attempts to assert that “notice” of a residency claim begins when a candidate files their affidavit of candidacy. However, in *Moe*, the Minnesota Supreme Court placed a heavy

burden on any plaintiff to establish ineligibility based on a failure to reside in the district the candidate claims they do. *Moe*, 180 N.W.2d at 260-261. Once Contestant became aware of potential malfeasance by Contestee, he immediately gathered a team of willing volunteers to gather evidence of residency violations. By acting diligently, Contestant imposed no undue prejudice on the Contestee. See Notice of Election Contest ¶ 14 and Wikstrom Affidavit ¶¶ 5-6.⁴

Additionally, Contestee applies the rule in *Monaghan* without providing the Court the full context of that case. Two years earlier, Valerie Mondar filed a residency challenge against Representative Bob Barrett and was dismissed from the Supreme Court because she did not create enough of a record to overcome the residency presumption. See *Mondar v. Ritchie* A14-1272.⁵ Thus, concerned citizens planned for two years on how to best demonstrate Representative Barrett did not reside at the residency claimed on his Affidavit of Candidacy. They placed a motion activated camera in front of Barrett's door and knocked on his door for nearly a month to demonstrate Representative Barrett's absence from his alleged domicile.

Here, Contestee claims 60 visits to the apartment in Roseville and the Johnson residence in Little Canada was too much. However, it is comparable to the level of evidence gathered in *Monaghan* in order to overcome the residency presumption. Further, for the Minn. Stat. 204B.06 subd. 1(3) claims, an investigation as to whether a candidate maintains residency for 30 days prior to an election didn't begin to accrue for the 2024 general election until October 5, 2024. By the time appropriate evidence is collected, post-election remedies are the only available remedy for Contestant.

⁴ In addition, Contestee's arguments in their Motion to Dismiss seem to require political parties or concerned citizens to surveil candidates for office beginning the day they file their affidavit of candidacy in order to preserve the right to file a pre-election claim under Minn. Stat. 204B.44. Otherwise, any delay to act, even if that delay was justified by a lack of any basis for intrusive surveillance, means claims cannot be brought due to laches. The behavior required by Contestee's argument does not appear healthy for Minnesota's body politic or recruiting talented people to run for office.

⁵ See attached exhibits A-D.

b. Voters Prejudiced by Candidates Who Violate State Law and Constitution

Next, Contestee claims that laches is appropriate because this challenge is insufficient to “disturb the canvassed [and] certified results of the election.” *Bergstrom*, 960 N.W.2d at 562. Contestee appears to be making a claim that the facts presented in the Election Contest are insufficient to overcome the requested relief of invalidating the election. See also Johnson Decl. and Ex. Submitting a declaration within the context of a motion to dismiss suggests the motion should be considered a motion for summary judgment. If that is the case, then this Court should deny the motion dismiss because Contestee’s submission heavily implies a genuine dispute over material facts (note the impact of the failure to file an answer) that requires an evidentiary hearing.

However, this claim still fails because it is more prejudicial to have a House District represented by a Representative who cannot fulfill the constitutional and statutory requirements for office than requiring a Special Election if the legislature refuses to seat Contestee. Not just that, but Contestee ran his race deceiving his potential constituents regarding his ability to serve as their representative. House District 40B deserves an elected representative who resides in the district.

c. No Prejudice to use Statutory Election Contest

Finally, Contestee claims that “the weight of case law” demands that residency challenges are limited to pre-election petitions. As noted above, that is not accurate and the fact this may be a case of first impression is neither prejudicial nor an improper basis for an Election Contest if Chapter 209 is properly followed and jurisdiction granted. Since it has, Contestee’s Motion to Dismiss should be denied.

D. Contestee Failed to File Notice of Answer and Answer within Statutory Deadline, Admitting Claim Against Contestant Under Minn. Stat. 204B.06 1(3).

Contestee failed to file and provide notice for an answer required by Election Contests filed under Chapter 209. The remedy for this violation is for this Court to grant Contestant’s Motion for a Default Judgment. A default judgment may be entered when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend within the time allowed by the rules or statute, and this fact is made to appear by affidavit. *Black v. Rimmer*, 700 N.W.2d 521 (2005).

Here, once jurisdiction is perfected by Contestant and all parties served within seven days of the canvass, Contestee must file an answer. Under Minn. Stat. § 209.03 subd. 2:

For all other election contests the contestee's answer to the notice of contest must be filed and served on the contestant. The answer must so far as practicable conform to the rules for pleading in civil actions.... If the contest relates to a general...election, **service of the answer must be made within seven days after service of the notice of contest.** [Emphasis added]. The contestee's answer must be served in the same manner as the answer in a civil action or in the manner the court may order.

Emphasis added.

An election contest is a “special proceeding,” and the Rules of Civil Procedure govern unless those rules are inconsistent with the procedures in the statute. *Bergstrom v. McEwen*, 960 N.W.2d 556, 563 (Minn. 2021) quoting *Franson v. Carlson*, 272 Minn. 376, 137 N.W.2d 835, 839 (1965). Thus, while under typical rules of procedure, a Motion to Dismiss filed in lieu of an Answer is appropriate, the requirements of 209.03 take precedence.

First, any claim that Contestee’s Motion to Dismiss is an answer is inaccurate. A motion to dismiss is not considered a responsive pleading. In *Sharkey v. City of Shoreview*, 853 N.W.2d 832 (2014 Minn. Ct. App.), the court held that a motion to dismiss under Minn. R. Civ. P.

12.02(e) is not a "responsive pleading" for purposes of rule 15.01, which allows a plaintiff to amend their complaint as a matter of course if no responsive pleading has been served. This distinction is further supported by the differentiation between pleadings and motions in Minn. R. Civ. P. 7.01 and 7.02, where pleadings include documents like complaints and answers, while motions are categorized separately. *Sharkey*, 853 N.W.2d at 835. Additionally, federal cases interpreting similar rules have also concluded that a motion to dismiss does not constitute a responsive pleading. *Id.* at 835. Therefore, while a motion to dismiss can be a preliminary response to a complaint, it does not fulfill the same role as an answer, which directly addresses the allegations in the complaint and may include defenses and counterclaims.

Second, statutory interpretation case law and statutes indicate filing an answer is not optional. On questions of statutory interpretation, the court's objective is to effectuate the legislature's intent. *Hibbing Taconite Co. v. Comm'r of Revenue*, 958 N.W.2d 325, 329 (Minn. 2021). "The plain language of the statute is [the court's] best guide to the Legislature's intent." *Cities Mgmt., Inc. v. Comm'r of Revenue*, 997 N.W.2d 348, 354 (Minn. 2023) (citation omitted) (internal quotation marks omitted). If the meaning of the statute is unambiguous, the plain language of the statute controls. *Id.* at 354–55. *See also*, *State v. Riggs*, 865 N.W.2d 679, 683 (Minn. 2015) ("[I]f the Legislature's intent is clear from the statute's plain and unambiguous language, then we interpret the statute according to its plain meaning without resorting to the canons of statutory construction.") But "[i]f the statutory language is subject to more than one reasonable interpretation, it is ambiguous and we look to other interpretative tools to assist our inquiry into legislative intent." *Id.* at 355. The court construes statutory words and phrases "according to rules of grammar and according to their common and approved usage." Minn. Stat.

§ 645.08(1) (2022). Dictionary definitions are among the tools available to assist our inquiry into the plain meaning of a statute. *State v. Beganovic*, 991 N.W.2d 638, 643 (Minn. 2023).

Under Minn. Stat. § 645.44, subds. 15a, “[m]ust’ is mandatory”. *See also*, Minn. Stat. §16 (stating that “[s]hall’ is mandatory”) (2022). There is no dispute Wikstrom served and filed a Notice of Contest regarding a general election. *See* Minn. Stat. § 209.03, subd. 2. Under Minn. Stat. § 209.03, subd. 2, the Contestee, here, Johnson, *must* serve an answer responsive to Wikstrom’s Notice of Contest within seven days after service of the Notice:

Third, under Minn. Stat. § 209.065, the notice of contest and *answer* serve as the foundation of the pleadings for the contest proceedings for the court that will lead to a contest proceeding: *The notice of contest and any answer are the pleadings* in the case and may be amended in the discretion of the court.

Therefore, without the answer from Contestee, Contestant is unable to ascertain what parts of the Election Contest are admitted or denied. Further, the lack of answer does make the Motion to Dismiss subject to dismissal without consideration because without the answer as a basis for the election contest, it is prejudicial to the Contestant to be subject to dispositive motions when Contestee hasn’t lived up to their statutory obligations.

Fourth, without an answer, it is definitive that Contestee failed to address Contestant’s claim Contestee violated Minn. Stat. § 204B.06 Subd. 1(3) in their Motion to Dismiss. The Court should rule that this count is admitted and grant judgment in favor of Contestant.

Finally, since it is impossible to delay the evidentiary hearing, Contestant faces tremendous prejudice by forcing counsel to review and digest an unknown amount of evidence and prepare to cross-examine an unknown number of witnesses only 24-48 hours at best beforehand. This was supposed to be avoided by filing an answer and notice of the answer seven

days after service of the notice of contest. Since Contestant has already demonstrated the importance of following the statutory language of Chapter 209, Contestee's failure to file an answer cannot be remedied and the Court should grant Contestant's Motion for Default Judgment.

E. In the Alternative, Contestant Requests Court Accept Motion *in Limine* to Prevent Certain Types of Evidence from Introduction at the Evidentiary Hearing

However, if the Court is unwilling to grant Contestant's motion for default judgment, Contestant requests the Court grant his motion *in limine* to address Contestee's failure to submit and notice an answer in compliance with Minn. Stat. § 209.03 Subd. 2. Any evidence produced by Contestee regarding Contestee maintaining residence the thirty days prior to the general election is not relevant to the evidentiary hearing since the claim is waived due to a lack of answer. Even if the evidence was somehow relevant, any probative value is substantially outweighed by a danger of confusing the issues, since Contestee will try and backdoor arguments against the waived claim into their arguments opposing Minn. Stat. § 204B.06 Subd. 4a(4). Further, it is prejudicial to force Contestant's Counsel to prepare a defense to evidence on an issue already waived when the focus should be on the outstanding claim at issue in the evidentiary hearing.

Next, Contestee should not be allowed to submit any answer prior to the Evidentiary hearing. Since Minn. Stat. § 209.03 cannot be remedied, there is no reason to allow a late filing. Anything not mentioned in the motion to dismiss should be declared waived by this Court and the evidentiary hearing limited to those parts of the Complaint addressed by the motion to dismiss.

CONCLUSION

Wherefore, for all the reasons set forth herein, Contestant respectfully requests that this Court perform the following actions:

- A. Deny Contestee's motion to dismiss;
- B. Grant Contestant's motion for default judgment and dismiss case without prejudice;
- C. In the alternative, order Contestant's claim Contestee violated Minnesota Statute § 204B.06 subd. 1(3) waived by Contestee's failure to answer and grant Contestant judgment on the waived claim.
- D. Grant Contestant's motion *in limine* requesting the following:
 - a. That all evidence related to Contestee's violation of Minnesota Statute § 204B.06 Subd. 1(3) shall be excluded from admission at the evidentiary hearing;
 - b. That all evidence related to Contestee's Affidavit of Candidacy shall be excluded from admission at the evidentiary hearing; and
 - c. That all evidence related to any answer or pleading Contestee attempts to file in violation of Minnesota Statute § 209.03 Subd. 2 shall be excluded from admission at the evidentiary hearing.

Dated: 12/02/2024

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EXHIBIT A

**STATE OF MINNESOTA
IN SUPREME COURT**

Court File No. A14-1272

Valerie Mondor,

Petitioners,

v.

**AFFIDAVIT OF CANDIDATE BOB
BARRETT**

Mark Ritchie, Minnesota Secretary of State,

Respondent.

AFFIDAVIT

Bob Barrett, being first duly sworn on oath, declares as follows:

1. My name is Robert (Bob) Charles Barrett, Jr.
2. I was born on [REDACTED] in Hollywood California.
3. I am married to Judi Barrett. We have been married since October 5, 1991.
4. We have two children, Elizabeth, born in [REDACTED] and Hannah, born in [REDACTED]. Both of my daughters are in college out of state.
5. From 1992-1995, and again from 1996 to present I have been employed at the Hazelden Foundation in Center City, Minnesota.
6. In May of 2002 we moved from Big Lake, Minnesota to Lindstrom, Minnesota in order to be closer to my place of employment.
7. In August of 2005, we purchased a home in Franconia Township ([REDACTED]) ([REDACTED]) ("Shafer") which was only three miles away from my place of employment.
8. We purchased the home for \$420,000.

9. In 2010, I stood for and won the general election to the Minnesota House of Representatives to represent then-district 17B, which included the communities of Franconia Township, Lindstrom, and Shafer, Minnesota.

10. Since 2010, I have served in the Minnesota House of Representatives. I have been present throughout each legislative session and special session. I have also maintained full-time employment at the Hazelden Foundation. I served as the treasurer of my church, Living Branch Lutheran, and volunteered as an umpire for summer baseball, a referee for fall football, and an official for winter basketball.

11. In February 2012, my former legislative district was cut up during the redistricting process.

12. The new district lines combined my district with Representative Bob Dettmer's district.

13. Shortly following the release of the redistricting map, my family and I decided to move into the newly fashioned House District 32B, which is where the vast majority of the people that I represented during my first term live.

14. Upon making this decision, we recognized that the date for establishing residency was only a couple months away. We started the process of selling our property at 27535 Redwing Ave, Shafer, MN, and we began searching for a house in Lindstrom to rent short-term until our house could be sold and we could purchase a new home.

15. Our plan was and still is to sell the Shafer home, and purchase a home within House District 32B.

16. In an effort to prepare our home for sale, I contacted Monica and Dave Fry (the Fry Group) to discuss placing our home on the market.

17. My wife and I met with the Fry Group to discuss the sale of our property. We discussed what we needed as a selling price, and they took measurements, reviewed the

property, and scheduled a follow-up meeting to discuss their assessment, including the significant number of improvements we needed to make to prepare the property for sale.

18. At our follow-up meeting with the Fry Group we were told, in concrete terms, that in order to sell the Shafer property we would need to make the following improvements:

- (a) Replace old carpeting in four bedrooms;
- (b) Replace a retaining wall behind the garage that was close to collapsing;
- (c) Replace the front door that was beginning to deteriorate;
- (d) Replace the patio block in front of the property;
- (e) Re-stain the back deck;
- (f) Re-paint the interior of multiple rooms;
- (g) Fix multiple leaking faucets;
- (h) Put shutters on the front of the house;
- (i) Replace light fixtures in front of the home;
- (j) And a litany of other smaller but time consuming items.

19. They also told us that if all of these repairs and improvement were made, we could expect to receive \$320,000 – \$330,000 for the property.

20. As previously noted, we purchased the house in 2005 for approximately \$420,000.

21. Our mortgage on the property was approximately \$300,000 and we had taken out a second mortgage, leaving us with an expected loss of \$90,000 - \$100,000, assuming we could sell the house.

22. With a realty commission of approximately \$30,000, it appeared impossible to sell our home without bringing money to the closing table.

23. We decided that our best option was to continue to hold onto the Shafer property, make the needed improvements, and sell it when we could avoid taking a loss.

24. We secured a short-term rental house in district 32B (11950 Mentzer Trail, Lindstrom, MN) until November 15, 2012, at which time we hoped to have sold our Shafer property and be settled in a newly purchased home within the district.

25. The Lindstrom home is a 7.98 mile drive from the Shafer property. See attached Exhibit A.

26. On or about May 1, 2012 the Lindstrom home became our primary residence, as declared in my Affidavit of Candidacy on May 30, 2014. See attached Exhibit B.

27. We switched the address at our bank, on our drivers' licenses and vehicle registration to [REDACTED] See attached Exhibits C-E.

28. I secured a post office box in Lindstrom and used it as our primary mailing address. This was done for several reasons. First, I was unsure exactly when we would sell the Shafer home and didn't want mail going there. Second, I already had a campaign PO Box in Lindstrom and it would be convenient to check them both at the same time. Third, because the Mentzer Trail house was supposed to be a temporary residence until we found a new home in District 32B, I didn't want to forward mail there only to have to forward it again to the new home a short time later. Finally, we had two acts of vandalism on our mailbox in Shafer. I wanted the security of a post office box to avoid any further complications of lost mail. However, I have had materials delivered to the Lindstrom residence. See attached Exhibit F.

29. Since November, 2012, I have renewed the lease on the Lindstrom residence twice. The most recent lease ends in May of 2015. We hope to be in a position to purchase a new home before the expiration of the lease. See attached Exhibit G.

30. I stood for election in 2012 for House District 32B and was re-elected by a margin of 393 votes.

31. After being re-elected to the House, I continued to live primarily at the Lindstrom residence. I would spend time at the property in Shafer to perform upkeep. As we had not yet purchased another property, we left many of our items at the Shafer house.

32. During the 2013 legislative session, specifically, in March, the Geo-Thermal heating at our Shafer property broke. Electric backup heating kept the pipes from freezing, but temperatures in the house never rose above 60 degrees. This impacted, delayed, and frustrated our ability to sell the Shafer property because we could not afford the cost of these additional repairs.

33. I researched and obtained cost estimates and found that we needed to replace the unit at a cost of \$15,000. See attached Exhibit H.

34. Finding financing took longer than anticipated, so the unit was not immediately replaced.

35. As the colder weather approached, the air temperature inside the property rarely exceeded 60 degrees and we set up space heaters to reduce the risk of freezing pipes.

36. Near the end of 2013, we decided that we needed to more closely monitor the Schafer property. The space heaters created a fire hazard, but the risk of frozen pipes existed without the additional heat they provided. Judi stayed almost exclusively at the Shafer property and we tried again to secure financing. This time Judi found it through our credit union in the form of a home equity loan.

37. The replacement Thermal Energy ground source heat pump was installed in February of 2014 at a cost of just over \$10,000, 11 months after it broke.

38. In June of 2014, my neighbors and I witnessed some strange behavior at the Lindstrom property. Vehicles drove up and down Mentzer Trail; individuals asked my neighbors about my whereabouts; and one evening I drove home to find a vehicle at the end of my driveway. The individual in the car was a woman. She waited for me to drive by but

when she realized I was waiting for her to back out of my driveway so that I could park, she backed up and left. I rolled down my window expecting her to stop and let me know why she was there but instead of stopping she sped off.

39. I did not give this occasion much thought until a day or so later when I heard reports from my neighbors that someone was taking photos of my home.

40. Then, it was reported to me that an older lady claiming to be a reporter for TPT 2 repeatedly stopped by my neighbors' homes, asked them about my home, stated that a "politician" lived there, and asked them to sign an affidavit stating that the house was vacant and had been since 2012.

41. Since May of 2012, I have spent time at the Shafer property; otherwise, I reside at the Lindstrom home.

42. At the Lindstrom house, I engage in all of the regular activities of any homeowner or tenant. I mow the lawn, occupy the home, make necessary repairs, and occasionally, when time and weather permit, interact with my neighbors.

43. I do not have a garbage service for my Lindstrom residence because I generate very little trash. I am away at work all day, spend the evenings doing legislative or election activities and seldom eat at home. I have to pay for a trash service at the Shafer property so I take the garbage from the Lindstrom home over to the Shafer home for pick up each week.

44. We fully intend to sell the Shafer property when we can do so without taking a loss.


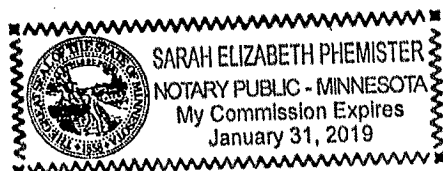
45. In the past two years, we have made many of the repairs recommended by the Fry Group, including replacing the carpeting and rebuilding the retaining wall, but the loan for the geo-thermal heat pump increased the amount of money we owe on the property by another \$10,000.

46. Our lives for the past two years have been in a state of transition. My primary residence has been in Lindstrom; but my wife and daughters (when not away at college) live primarily in Shafer in the home we hope to sell. Repairs to the Shafer home are ongoing. Our goal continues to be the purchase of a home in District 32B.



Robert (Bob) Barrett

Signed and attested to before me this 30 day of July, 2014


Notary Public

**STATE OF MINNESOTA
IN SUPREME COURT**

Court File No. A14-1272

Valerie Mondor,

Petitioners,

v.

AFFIDAVIT OF JUDI BARRETT

Mark Ritchie, Minnesota Secretary of State,

Respondent.

AFFIDAVIT

Judi Barrett, being first duly sworn on oath, declares as follows:

1. My name is Judi Ann Barrett.
2. I was born on [REDACTED] in Robinsdale, MN.
3. I am married to Representative Robert (Bob) Barrett. We have been married since October 5, 1991.
4. We have two children, Elizabeth, born in [REDACTED], and Hannah, born in [REDACTED].
5. In August of 2005, we moved to a home in Franconia Township ([REDACTED]) ([REDACTED]) ("Shafer property").
6. We purchased the home for \$420,000.
7. In 2010, Bob stood for and won the general election to the Minnesota House of Representatives to represent then-district 17B, which included the communities of Franconia Township, Lindstrom, and Shafer, Minnesota.
8. Since 2010, Bob has served in the Minnesota House of Representatives and been present throughout session and special sessions. He also maintained full-time

employment at the Hazelden Foundation. Additionally, he served as the treasurer of our church, Living Branch Lutheran, as an umpire for summer baseball, a referee for fall football, and an official for winter basketball.

9. Bob and I volunteer regularly at Living Branch Lutheran.
10. Since 2011, I have worked full-time as a special education teacher in the Pine City school district. I typically leave the house at 5:30 am to make the commute to Pine City.
11. In February of 2012, Bob's former district was cut up during redistricting.
12. Shortly after the release of the redistricting map, our family decided to move into the newly created House District 32B so Bob could run for the House seat there.
13. Upon making this decision, we recognized that we had to move fast. The date for a candidate to establish residency was only a couple months away. So, we started the process of selling our property at [REDACTED] and attempted to locate a home to rent short-term until our home could be sold and we could purchase a new residence.
14. In an effort to prepare our home for sale, Bob contacted Monica and Dave Fry (the Fry Group) to discuss placing our house on the market for sale as quickly as possible.
15. Our intent was to sell the Shafer property, purchase and permanently relocate to and reside indefinitely at another home in House District 32B.
16. The Frye Group made it very clear that in order to sell the Shafer property we needed to make a number of expensive improvements:
 - (a) Replace old carpeting in four bedrooms;
 - (b) Replace a retaining wall behind the garage that was close to collapsing;
 - (c) Replace the front door that was beginning to deteriorate;

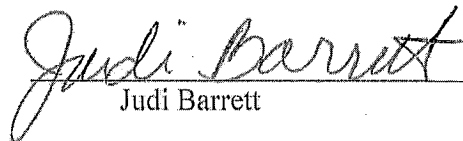
- (d) Replace the patio block in front of the property;
- (e) Re-stain the back deck;
- (f) Re-paint the interior of multiple rooms;
- (g) Fix multiple leaking faucets;
- (h) Put shutters on the front of the house;
- (i) Replace light fixtures in front of the home;
- (j) And a litany of other smaller but time consuming items.

17. They told us that if all of these repairs and improvements were made, we could expect to receive \$320,000 - \$330,000. This would result in a loss of \$90,000 - \$100,000 on the property. And, we had a mortgage of \$300,000 and a \$30,000 second mortgage, making it likely that we would have to come up with money for the closing.
18. Because our intent was to move and reside within House District 32B, we decided that our best option was to continue to hold onto the Shafer property, make the needed improvements as money became available, and sell it at such a time when the market permitted us to sell it without taking a loss.
19. While we were consulting with realtors on the sale of our home, we secured a short-term rental in District 32B [REDACTED] until November 15, 2012, at which time we hoped to have sold our Shafer property and settle permanently in a newly purchased home within the district.
20. On or about May 1, 2012, Bob and I moved into the rental house on Mentzer Trail.
21. In March of 2013, the Geo-Thermal heating at our Shafer property broke. Electric backup heating kept the pipes from freezing, but temperatures were never above 60 degrees. This impacted, delayed, and frustrated our ability to sell the Shafer property

because we could not afford the repair costs and we could not sell the property in its current condition.

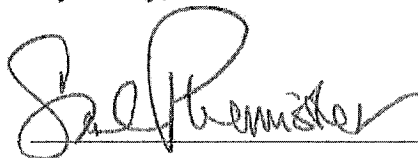
22. We learned that it would cost \$15,000 to make the necessary repairs.
23. We were unable to secure financing for the repairs at that time.
24. In December, 2013, threatened by another harsh winter, and desperate to make the repairs necessary to properly heat and cool the Shafer property, we again tried to secure financing.
25. Bob and I were able to secure a home equity loan from my credit union, but in order to qualify for the loan, I had to live in the property. I changed my primary address back to the Shafer house and changed my address on my driver's license to the Shafer property address as well (the bank required a copy of my driver license as a part of the loan application).
26. The Geo-thermal heat pump was finished in February of 2014, 11 months after it broke.
27. Bob is very busy with a full-time job, his legislative responsibilities, our church activities and our daughters. Bob has remained at the Lindstrom residence. I tried to live at the Lindstrom home, but with both of us working full-time, and Bob, practically speaking, working two full-time jobs and officiating at youth sports leagues, I found that I was alone most of the time. I decided to stay at the Shafer property more often so that I could continue to work on the repairs necessary to sell the house.
28. Essentially, I had to manage two properties and still do.
29. Our goal is to sell the Shafer house as soon as we can and move into a new home in District 32B. In fact, once we do sell the Shafer house, I would like to purchase the Mentzer home. The redistricting and the inability to sell our home has been hard on

our family. We are eager to be in a position where we can purchase a new home in District 32B.

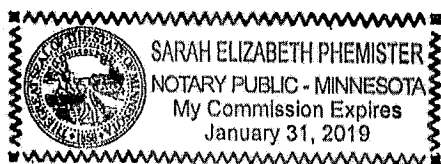


Judi Barrett

Subscribed and sworn to before me this 30
day of July, 2014



Notary Public



STATE OF MINNESOTA
IN SUPREME COURT

Court File No. A14-1272

Valerie Mondor,

Petitioners,

v.

AFFIDAVIT OF GREGORY COULTER

Mark Ritchie, Minnesota Secretary of State,

Respondent.

AFFIDAVIT

Greg Coulter, being first duly sworn on oath, states as follows:

1. My name is Gregory J. Coulter.
2. I reside at [REDACTED]
3. I have been employed since 1985 at the University of St. Thomas in the Department of Philosophy.
4. My spouse and I own a rental property located at [REDACTED]
[REDACTED]
5. On or about May 1, 2012, I rented the property to Robert (Bob) Barrett.
6. The initial lease term was until November, 2012. It was my understanding that Mr. Barrett intended to sell his home in Shafer and purchase a new home in Lindstrom.

7. When the initial lease term ended, Mr. Barrett and I mutually agreed to extend the term. As I recall, his decision was prompted by the downturn in area home prices and because his house was in need of several repairs. Our current lease agreement is scheduled to expire in May, 2015.

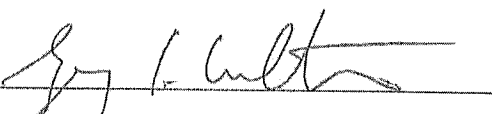
8. Since Mr. Barrett has taken occupancy of our rental home, I have been there and entered the property multiple times to do maintenance or to make repairs. Prior to my visits, I called ahead to secure permission to enter the property. Sometimes, but not every time, he was at the house when I arrived. While at the property, I observed signs of activity: dishes in the sink, bed linens askew, towels and toiletries in the bathroom, the presence of a computer, printer and other such items.

9. In the past 6 months, Mr. Barrett has helped me work on the property on at least two occasions.

10. Mr. Barrett is a good tenant. He contacts me promptly with any problems or mechanical issues. The lawn is mowed and the snow is shoveled.

11. I have no reason to conclude that Mr. Barrett does not occupy our rental property as his principal residence.

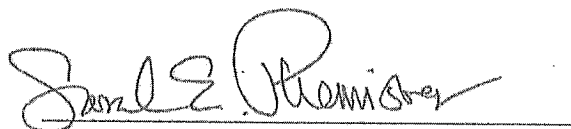
Further affiant sayeth not.



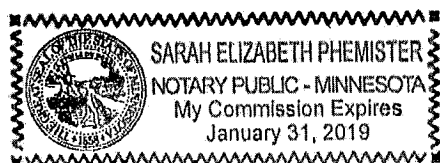
Gregory J. Coulter

Subscribed and sworn to before me this

30 day of July, 2014



Notary Public



STATE OF MINNESOTA
IN SUPREME COURT

Court File No. A14-1272

Valerie Mondor,

Petitioners,

v.

AFFIDAVIT OF KEITH THOMPSON

Mark Ritchie, Minnesota Secretary of State,

Respondent.

AFFIDAVIT

Keith Thompson, being first duly sworn on oath, states as follows:

1. My name is Keith Thompson.
2. I live at [REDACTED]
3. I have lived at this property since 2000.
4. I live two houses away from the property located at [REDACTED]
5. I personally know Bob Barrett and I have seen him residing at the property located at [REDACTED] for at least the last two years.
6. In mid-June, a woman came to my house on multiple occasions claiming to work for public television. She repeatedly asked me to sign an affidavit saying that the property at [REDACTED] was not occupied by anyone.

- I refused because I know that not to be true. I also witnessed someone repeatedly taking photos of the property over about a 7-day period in June.
7. About the fourth time the woman came looking for my signature, I informed her that I believed she was stalking Bob Barrett and I did not like it.
 8. Nevertheless, she approached me yet again on July 4, 2014 soliciting my signature on an affidavit. I refused once again. I observed her go to the home of my neighbor, Delores Pederson.
 9. Once the woman left Delores Pederson's home, I walked to Delores' home to ask about the conversation. According to Delores, she was told by the "lady from channel 2" that I had signed an affidavit concerning the [REDACTED]
[REDACTED].
 10. I informed Delores that I had in fact not signed an affidavit, and for anyone to say so was a complete and total lie.
 11. Based on my conversation with the woman from Channel 2 and the representations she made to me and to others, I believe the tactics used by the woman from Channel 2 were deceptive and coercive.
 12. I was informed that the woman was successful in having an affidavit signed by Terry Norman. Dan and Terry Norman were my neighbors at [REDACTED]
[REDACTED] until about late May, 2014. During the years we lived next to each other, I rarely saw or spoke to them and I found them to be reclusive.

Further Affiant Sayeth Not.

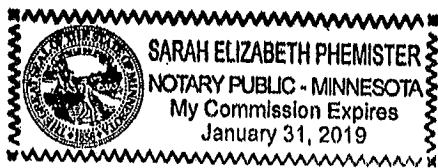


Keith Thompson

Subscribed to and sworn before me
this 30 day of July, 2014.



Notary Public



STATE OF MINNESOTA
IN SUPREME COURT

Court File No. A14-1272

Valerie Mondor,

Petitioners,

v.

AFFIDAVIT OF THOMAS PEDERSON

Mark Ritchie, Minnesota Secretary of State,

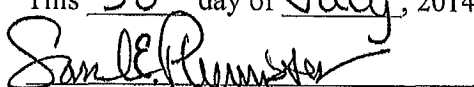
Respondent.

AFFIDAVIT


Thomas Pederson, being first duly sworn on oath, states as follows:

1. My name is Thomas Pederson.
2. I reside at [REDACTED]
3. I have lived at this address since 2012.
4. I live adjacent to the property located at [REDACTED]. I have personally witnessed Bob Barrett living in the home at [REDACTED]
5. I have personally witnessed Bob Barrett at [REDACTED] including seeing him mowing the lawn and taking care of other home-related chores.
6. In mid-June of 2014 an older woman came to my door on multiple occasions claiming she worked for "Channel 2" asking me to sign an affidavit saying that the property located at [REDACTED] was unoccupied. I do not recall what her name was or if she told me what her name was.
7. I told her that I would not sign such an affidavit as I do not believe it to be true.

Subscribed and sworn to before me

This 30 day of July, 2014


Notary Public


Thomas Pederson

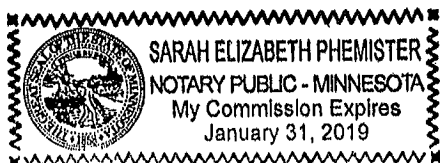


EXHIBIT B

STATE OF MINNESOTA
IN SUPREME COURT

Court File No. A14-1272

Valerie Mondor,

Petitioner,

v.

AFFIDAVIT OF SERVICE

Mark Ritchie, Minnesota Secretary of State

Respondent.

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Michael L. Murphy, being duly sworn, states that on July 31, 2014, he filed by electronic mail and U.S. mail the following documents:

- Response of Representative Robert Barrett to the Petition;
- Affidavit of Candidate Bob Barrett;
- Affidavit of Judi Barrett;
- Affidavit of Gregory Coulter;
- Affidavit of Keith Thompson;
- Affidavit of Thomas Pederson; and
- Exhibits A-H;

upon:

Nathan J. Hartshorn
Assistant Attorney General
Office of Minnesota Attorney General
445 Minnesota Street, Suite 1800
St. Paul, MN 55101-2134
nathan.hartshorn@ag.state.mn.us

David J. Zoll
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Laurie Warner
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laurie@warner32b.com

Michael L. Murphy
The Jacobson Law Group
Jacobson, Magnuson, Anderson & Halloran, P.C.
335 Atrium Office Building
1295 Bandana Boulevard
St. Paul, MN 55108
Tele: (651) 644-4710
Fax: (651) 644-5904
E-mail: mmurphy@thejacobsonlawgroup.com

Subscribed and sworn before me
on this 31st day of July, 2014.

Notary Public

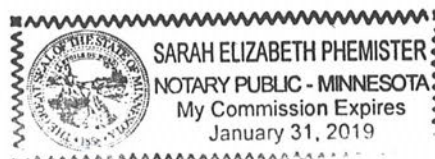


EXHIBIT C

THE JACOBSON LAW GROUP
JACOBSON · MAGNUSON · ANDERSON
& HALLORAN P.C.

July 31, 2014

Clerk of Appellate Courts
305 Minnesota Judicial Center
25 Rev. Dr. Martin Luther King, Jr. Boulevard
St. Paul, MN 55155
mjcappelleclerkofcourt@courts.state.mn.us

VIA E-MAIL AND U.S. MAIL

RE: *Valerie Mondor v. Mark Ritchie, Minnesota Secretary of State*
Court File No. A14-1272

Dear Clerk of Appellate Courts:

Please find enclosed for filing in the above-referenced matter the following:

- Response of Representative Robert Barrett to the Petition;
- Affidavit of Candidate Bob Barrett;
- Affidavit of Judi Barrett;
- Affidavit of Gregory Coulter;
- Affidavit of Keith Thompson;
- Affidavit of Thomas Pederson;
- Exhibits A-H; and
- Affidavit of Service.

Hard copies of these documents are being sent by certified U.S mail to the Court, counsel for Valerie Mondor, counsel for Mark Ritchie, and Laurie Warner.

Documents may be sent to rlebeau@thejacobsonlawgroup.com,
mmagnuson@thejacobsonlawgroup.com, and mmurphy@thejacobsonlawgroup.com for service on behalf of Representative Robert Barrett Jr.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael L. Murphy", enclosed within a circular scribble.

Michael L. Murphy

Enclosures

- C: Nathan J. Hartshorn (via email and certified U.S. mail)
- David J. Zoll (via email and certified U.S. mail)
- Charles N. Nauen (via email)
- Laurie Warner (via email and certified U.S. mail)

**STATE OF MINNESOTA
IN SUPREME COURT**

Court File No. A14-1272

Valerie Mondor,

Petitioner,

v.

**RESPONSE OF CANDIDATE ROBERT
(BOB) BARRETT**

Mark Ritchie, Minnesota Secretary of
State,

Respondent.

I. Introduction

Petitioner, Valerie Mondor, has employed deceitful tactics to craft unsubstantiated allegations against Robert (Bob) Barrett in an attempt to eliminate his name from the ballot in the upcoming general election. Representative Bob Barrett, who has served District 32B since November of 2012, has maintained a physical presence at his home in District 32B since May of 2012, including since May 4, 2014, and has consistently demonstrated his intent to reside in District 32B. Consequently, the order to show cause should be quashed and the petition dismissed.

II. Factual Background

Representative Robert (Bob) Barrett is married to Judi Ann Barrett.¹ They have two daughters who are in college.² Representative Barrett has served in the Minnesota House of Representatives since 2010.³ He also works full time for the Hazelden Foundation.⁴ Representative Barrett has a full volunteer schedule at Living Branch Lutheran, and is an officiator for youth sports leagues in the evenings.⁵ Judi Barrett works full-time as a special education teacher for the Pine City school district.⁶

In 2010, Representative Barrett was elected to serve the then District 17B.⁷ In February of 2012, as part of the state-wide redistricting process, District 17B was cut up and combined with another district, which would have forced Representative Barrett to run against a fellow republican legislator for the seat.⁸ Instead, the Barretts decided to move to the newly fashioned District 32B, which was comprised of the vast majority of residents from Representative Barrett's former District.⁹

The Barretts began the process of selling their property at 27535 Redwing Avenue, Shafer, Minnesota ("Shafer property").¹⁰ They met with realtors Monica and David Fry, who assessed it, identified eight significant repairs that needed to be

¹ Rep. Barrett Aff. ¶ 3.

² *Id.* at ¶ 4.

³ *Id.* at ¶ 10.

⁴ *Id.*

⁵ *Id.*

⁶ Judi Barrett Aff. ¶ 10.

⁷ Rep. Barrett Aff. ¶ 9.

⁸ *Id.* at ¶¶ 11-12.

⁹ Rep. Barret Aff. ¶ 13; Judi Barrett Aff. ¶ 12.

¹⁰ Rep. Barrett Aff. ¶ 14; Judi Barrett Aff. ¶ 13.

completed before the property would sell, and valued it at \$320,000 - \$330,000.¹¹ The Barretts purchased the Shafer property in 2005, for \$420,000.¹² Selling the property, even with all the repairs, would force the Barretts to suffer a financial loss of \$90,000-\$100,000.¹³ Despite this news, they were determined to move to District 32B.¹⁴ They planned to hold on to the Shafer property for a time, make the necessary repairs, sell it when they could avoid taking a loss, and then purchase a home in District 32B that they could finally settle in.¹⁵

Representative Barrett located and leased a home at 11950 Mentzer Trail, Lindstrom, Minnesota (“Lindstrom home”) to serve as their residence during the transition.¹⁶ Representative Barrett and Mrs. Barrett moved into the Lindstrom home on about May 1, 2012.¹⁷ Since November, 2012, they have renewed the lease twice, with the most recent lease scheduled to end in May of 2015.¹⁸ After the move, they switched their primary home address on their bank statements, drivers’ licenses, and vehicle registration documents to the Lindstrom home address.¹⁹ Greg Coulter, the homeowner, and neighbors Thomas Pederson and Keith Thompson, all know Representative Barrett

¹¹ Rep. Barrett Aff. ¶ 17-19; Judi Barrett Aff. ¶ 16-17.

¹² Rep. Barrett Aff. ¶ 8.

¹³ *Id.* at ¶ 21.

¹⁴ Rep. Barrett Aff. ¶ 24; Judi Barrett Aff. ¶ 19.

¹⁵ *Id.*

¹⁶ Rep. Barrett Aff. ¶ 24. Petitioner agrees that [REDACTED] is located within District 32B.

¹⁷ Rep. Barrett Aff. ¶ 26; Judi Barrett Aff. ¶ 20.

¹⁸ Rep. Barrett Aff. ¶ 29.

¹⁹ *Id.* at ¶ 27.

has lived in the Lindstrom home since May of 2012, including since May 4, 2014 as required by Minn. Const. art. IV, § 6.²⁰

In an effort to sell the Shafer property, the Barretts made several of the necessary repairs, but in March of 2013, the property's Geo-thermal heating pump failed.²¹ A replacement was estimated to cost \$15,000.²² The Barretts secured financing in December, 2013, and the unit was repaired for \$10,000 in February of 2014.²³ This on-going repair frustrated and delayed the Barrett's ability to sell the Shafer property.²⁴ During this time, Mrs. Barrett spent most of her time maintaining the Shafer property, largely, and at least until the heating pump was repaired, to ensure the water pipes did not freeze.²⁵ While Representative Barrett also spent some time tending to the Shafer property, his primary residence was and continues to be the Lindstrom home.²⁶

III. Argument

A. Representative Barrett established his residence at the Lindstrom home since May, 2012, and intends to remain in District 32B.

Pursuant to Minn. Const. art. IV, § 6, Representative Barrett has resided in the district from which he was elected for at least six months preceding the upcoming election. Petitioners are entitled to relief only if, viewing the facts most favorable to Representative Barrett, he does not, as a matter of law, satisfy the constitutional residency

²⁰ Coulter Aff. ¶ 8; Pederson Aff. ¶ 4-5; Thompson Aff. ¶ 5.

²¹ Rep. Barrett Aff. ¶ 32.

²² *Id.* at ¶ 33.

²³ *Id.* at ¶¶ 36, 37.

²⁴ Judi Barrett Aff. ¶ 21.

²⁵ *Id.* at ¶ 25.

²⁶ Rep. Barrett Aff. ¶¶ 41, 46.

requirement.²⁷ This Court has repeatedly emphasized that petitioners must overcome a “heavy burden” to establish a candidate’s ineligibility based on residency.²⁸ This high standard is applied against petitioners in cases of this kind because of “the drastic nature of an affirmative order, both to the candidate and to the electorate.”²⁹

The Court has held that “the foremost considerations with respect to residency in the election context are physical presence and intent.”³⁰ Neither physical presence nor intent is determinative – “each informs the other” – and a variety of facts, including physical presence, can demonstrate intent.³¹

1. Representative Barrett has maintained a physical presence at his Lindstrom home from May of 2012 until present, and specifically since May 4, 2014.

Representative Barrett has occupied the Lindstrom home since well before May 4, 2014. When the Barretts decided to move to District 32B, Representative Barrett promptly located the Lindstrom home³² and signed a lease on April 4, 2012 with Gregory Coulter, the home’s owner.³³ The Barretts moved into the home in early May, 2012.³⁴ Representative Barrett re-signed his lease with Mr. Coulter, the most recent signed on

²⁷ *Gradjelick v. Hance*, 646 N.W.2d 225, 234 (2002).

²⁸ *Studer v. Kiffmeyer*, 712 N.W.2d 552, 557-558 (2006) (citing *Moe v. Alsop*, 180 N.W.2d 255, 330-331 (1970)).

²⁹ *Id.*

³⁰ *Piepho v. Bruns*, 652 N.W.2d 40, 44 (2002).

³¹ *Id.*

³² Rep. Barrett Aff. ¶ 24.

³³ *Id.* at ¶ 29.

³⁴ Rep. Barrett Aff. ¶ 26; Judi Barrett Aff. ¶ 20.

May 29, 2014, for a term that ends May 31, 2015.³⁵ These leases alone demonstrate his long-term commitment to the residence.

Over the past two years, Mr. Coulter has conducted routine maintenance inside and outside of the property.³⁶ On these occasions, he noted that the lawn was mowed and the snow shoveled.³⁷ He also noted signs of residential activity: “dishes in the sink, bed linens askew, towels and toiletries in the bathroom, the presence of a computer, printer and other such items.”³⁸ Specifically within the past six months, Mr. Coulter states that Representative Barrett has helped him perform work on the property twice.³⁹

Additionally, Keith Thompson and Tom Pederson, who live a stone’s throw from the Lindstrom home, know Representative Barrett as their neighbor.⁴⁰ Both have seen him living there for the past two years⁴¹ and Mr. Pederson confirms that he mows the lawn and takes care of household chores.⁴² Mr. Coulter, Mr. Thompson, and Mr. Pederson confirm that the Lindstrom home is not a vacant. Representative Barrett is living in and taking care of this property. To those that live near him, his presence is obvious.

The Lindstrom home also receives mail parcels from time to time. This is confirmed by the January 23, 2014 delivery notice from Graphic Resources to

³⁵ Rep. Barrett Aff. ¶ 29.

³⁶ Coulter Aff. ¶ 8.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.* at ¶ 9.

⁴⁰ Thompson Aff. ¶ 5; Pederson Aff. ¶ 4-5.

⁴¹ *Id.*

⁴² Pederson Aff. ¶ 5.

Representative Barrett at the Lindstrom home address.⁴³ For the sake of convenience and security, Representative Barrett receives most of his personal mail at a PO Box in Lindstrom.⁴⁴ Rather than collect mail from multiple properties, he consolidated receipt at one location.⁴⁵ Also, after his mailbox at the Shafer property was vandalized, he was worried about lost mail.⁴⁶ Petitioner's certified mail receipt – sent on June 24, 2014 and signed by Representative Barrett on June 26, 2014 – confirms that he receives mail sent to the Lindstrom home.⁴⁷ Along similar lines, for the sake of convenience and cost, Representative Barrett pays one garbage bill. Because he generates little trash at the Lindstrom home, he transports his trash to the Shafer property for pick-up.⁴⁸

To discredit Representative Barrett's presence at the Lindstrom home, Petitioner relies on Terri Norman's affidavit, which is ultimately immaterial. Mr. and Mrs. Norman moved from Representative Barrett's neighborhood before May 4, 2014, which begins the six-month time-period immediately before the election.⁴⁹ Because Terri Norman's observations fall outside of the relevant six-month time-period, they are immaterial and should be disregarded.

Petitioner employed deceptive and underhanded tactics in an attempt to gather affidavits against Representative Barrett. In the first instance, Petitioner is not a disinterested citizen. She is a Democratic Farmer Labor ("DFL") Precinct Chair for

⁴³ Rep. Barrett Aff. Ex. F.

⁴⁴ *Id.* at ¶ 28.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Mondor Aff. Ex. G.

⁴⁸ Rep. Barrett Aff. ¶ 43.

⁴⁹ Norman Aff. ¶ 1.

Chisago County.⁵⁰ She is an activist with an agenda. She has admitted to working on the campaign of Representative Barrett's DFL challenger.⁵¹ In a district where Representative Barrett won by a narrow margin of 393 votes (50.87% v. 49.00%),⁵² Petitioner aims to eliminate the competition in the general election to further the interests of her preferred candidate.

During her investigation, Petitioner asked Mr. Thompson and Mr. Pederson on multiple, separate occasions to sign affidavits stating that the Lindstrom property is vacant.⁵³ Neither signed because they knew Representative Barrett lived there.⁵⁴ After she failed to collect Mr. Thompson's signature a fourth time, she went to Delores Pederson's home and told her that Mr. Thompson had signed the affidavit.⁵⁵ Stated simply, she lied to Mrs. Pederson in order to gain her trust, but apparently never obtained her signature.

Rather than representing herself to Mr. Thompson, Mr. Pederson, and Mrs. Pederson, as a disinterested citizen or even as a DFL Precinct Chair, she stated that she worked for public television.⁵⁶ Indeed, Petitioner appears to work in some capacity for

⁵⁰ See Chisago – Isanti Democrats, 2014-2016 Precinct Chairs and Associate Chairs, <http://chisago-isantidfl.com/Officers.php>.

⁵¹ Brian Bankst, *Case aims to remove Minnesota GOP legislator from Ballot over residency doubts*, Star Tribune (July 28, 2014), <http://www.startribune.com/politics/national/268952831.html>.

⁵² Minnesota Secretary of State, Results for State Representative District 32B, <http://minnesotaelectionresults.sos.state.mn.us/Results/StateRepresentative/1?districtid=418>.

⁵³ Thompson Aff. ¶ 6; Pederson Aff. ¶ 6.

⁵⁴ Thompson Aff. ¶ 6; Pederson Aff. ¶ 7.

⁵⁵ Thompson Aff. ¶ 8-9.

⁵⁶ Thompson Aff. ¶ 6; Pederson Aff. ¶ 6.

Minnesota's Public Television Station.⁵⁷ But a reporter working on a legitimate story does not gather affidavits. Petitioner held herself out as a reporter to gain trust and cover up her real agenda, which in reality, was furthering the DFL agenda and its District 32B candidate. Mr. Thompson “believes the tactics used by the woman from Channel 2 were deceptive and coercive.”⁵⁸

Petitioner relies on a series of eighteen time-stamped photos she captured while lurking outside Representative Barrett's home. All but two of the photos are taken during working or commuting hours.⁵⁹ Given the fact that Representative Barrett works full time at Hazelden Foundation, “part-time” as a representative, volunteers at Living Branch Lutheran and officiates youth sports leagues in the evening,⁶⁰ it is most unlikely that she would have ever witnessed him at home during the day.

But the pictures themselves evidence that the Lindstrom home was occupied and cared for. For example, in the two photos that were taken in the evening when folks are more likely to be home – one at 9:20 p.m. on June 24th and the other at 9:43 p.m. on June 25th – the interior lights illuminate the door's windows.⁶¹ Also, the photos verify that the Lindstrom home's lawn is cared for. A fallen branch lies near the driveway and the lawn is over-grown from the afternoon of June 20th until the early morning of the 23rd.⁶² By

⁵⁷ LinkedIn, Valerie Mondor, <https://www.linkedin.com/pub/valerie-mondor/11/a54/381> (States that she is a “video editor at Twin Cities Public TV”); Chisago – Isanti Democrats, 2014-2016 Precinct Chairs and Associate Chairs, <http://chisago-isantidfl.com/Officers.php> (Offers her work email: vmondor@tpt.org).

⁵⁸ Thompson Aff. ¶ 11.

⁵⁹ See Mondor Aff. Ex. E-1 – E-4, E-7 – F-8.

⁶⁰ Rep. Barrett Aff. ¶ 10.

⁶¹ Mondor Aff. Ex. E-5 – E-6.

⁶² *Id.* at Ex. E-3 – E-4.

the evening of the 24th, the lawn is mowed and the branch is removed.⁶³ The illuminated interior and obvious lawn-care demonstrate “signs of activity” at the Lindstrom home.⁶⁴

In short, while Representative Barrett presents ample evidence that he lives in and cares for his home in Lindstrom, Petitioner’s thin record falls short of the high bar she must meet to succeed.

2. The facts evidence Representative Barrett’s intent to remain in District 32B.

Representative Barrett intends to remain a resident in District 32B. The facts that evidence his intent are similar to the facts presented to this Court in a line of challenges heard by the Court after the legislative redistricting in 2002. In each case, even where the candidate’s presence at their in-district residence was intermittent, the Court held that the residency requirement was fulfilled where the candidates demonstrated their intent to remain in their districts.

For example, in *Piepho v. Burns*, 652 N.W.2d 40 (Minn. 2002), the Court determined that the residency requirement was fulfilled where the candidate did not maintain a regular physical presence at his in-district residence because his duties during the legislative session required his presence at the Capitol.⁶⁵ In addition, the candidate announced that he was moving to the new district, leased an apartment there, moved

⁶³ *Id.* at Ex. E-5.

⁶⁴ *Id.* at ¶ 10.

⁶⁵ *Piepho*, 652 N.W.2d at 45-46.

some of his belongings into the apartment, submitted a driver's license application with the new address, and registered to vote in the new district.⁶⁶

In *Lundquist v. Leonard*, 652 N.W.2d 33 (Minn. 2002), the candidate owned a property outside of her district for 29 years, ran her campaign out of the property, stayed a few nights there during the relevant six-month time period, allowed her college aged daughter to live there prior to the election,⁶⁷ and during the election publically declared, "if I win, I will move."⁶⁸ Even so, the Court determined that she fulfilled the residency requirement when she leased an apartment within the new district, paid rent, purchased rental insurance, slept there six nights per week, submitted a change-of-address form with the post office, applied for a driver's license with the new address, and rented a second residence within the district.⁶⁹

In this case, Representative Barrett also moved to District 32B as a result of redistricting.⁷⁰ He announced his move,⁷¹ leased a home in the new district,⁷² moved into it and consistently pays rent.⁷³ He switched his primary address to the Lindstrom home address at his bank (although his mailing address remains the PO Box), and on his vehicle's registration records, and drivers' license.⁷⁴ The effort Representative Barrett

⁶⁶ *Id.*

⁶⁷ *Lundquist v. Leonard*, 652 N.W.2d 33, 34-35 (Minn. 2002).

⁶⁸ *Lundquist*, 652 N.W.2d at 36.

⁶⁹ *Lundquist*, 652 N.W.2d at 36-37.

⁷⁰ Rep. Barrett Aff. ¶ 13.

⁷¹ *Id.* at ¶ 26, Ex. B.

⁷² *Id.* at ¶ 24.

⁷³ Coulter Aff. ¶ 10.

⁷⁴ Rep. Barrett Aff. ¶ 27.

took to make these changes, and maintain them, demonstrate his continued intent to remain a resident in District 32B.

Petitioner appears to argue that Representative Barrett's established residence is the Shafer property because he owns it and claims it as his Residential Homestead.⁷⁵ But the tax status of a person's property is a poor measure for determining an individual's residence. Under Minn. Stat. § 273.124, subd. 1(c), a property owner may claim their property as a homestead without it being their residence, provided a relative by blood or marriage lives there. If a person claims a property occupied by their mother-in-law as their homestead, but lives each day elsewhere, it would be absurd to conclude that their true residence is their homestead based solely on the tax record. The fact that Representative Barrett claims the Shafer home as his homestead does not establish that it is his residence.

What is more important is that the Barretts have tried but as yet, cannot achieve their ultimate goal of purchasing a home in District 32B because have not yet sold the Shafer property. Most of the repairs to the Shafer property have been made and Mrs. Barrett is keen to purchase the Lindstrom home.⁷⁶ In fact, the reason the Barretts extended the lease until May of 2015 is to buy some time in the hopes that they can sell the Shafer property and make an offer on the Lindstrom home within the year.

But selling the Shafer residence is not necessary to fulfill the residency requirement. What is important is their intent to reside in District 32B. The fact that the

⁷⁵ Mondor Aff. ¶ 6, Ex. B.

⁷⁶ Judi Barrett Aff. ¶ 29.

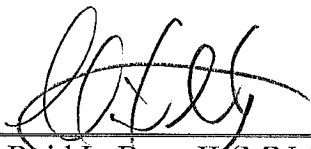
Barretts have made most of the necessary improvements to the Shafer home demonstrates the intent to sell it.⁷⁷ The Shafer property's purchase price relative to its value explain why the Barretts thought it prudent to hold onto the property while the housing market recovered⁷⁸ A drivers' license and vehicle registration that bear the Lindstrom address as Representative Barrett's primary residence evidence his intent to remain there.⁷⁹ Finally, the Barrett's one-year commitment to the Lindstrom home,⁸⁰ and Mrs. Barrett's stated desire to eventually purchase it, further demonstrate their intent to reside in District 32B.

III. Conclusion

Petitioner's thin record fails to overcome the "heavy burden" imposed by this Court to establish Representative Barrett's ineligibility to run for the District 32B house seat. Representative Barrett has firmly established that he is physically present at the Lindstrom home, and that he intends to remain in District 32B. Consequently, Representative Barrett respectfully requests that the Court quash the order to show cause and dismiss the petition.

Respectfully Submitted,

Dated: July 31, 2014



R. Reid LeBeau II (MN # 347504)
Mary B. Magnuson (MN # 160106)
Michael L. Murphy (MN # 394879)
The Jacobson Law Group

⁷⁷ *Id.* at ¶ 37.

⁷⁸ *Id.* at ¶ 21.

⁷⁹ *Id.* at ¶ 27.

⁸⁰ *Id.* at ¶ 29, Ex. B.

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mmagnuson@thejacobsonlawgroup.com;
mmurphy@thejacobsonlawgroup.com

EXHIBIT D

STATE OF MINNESOTA

IN SUPREME COURT

Valerie Mondor

Petitioner,

v.

Court File No. A14-1272

Mark Ritchie, Minnesota Secretary of State

Respondent

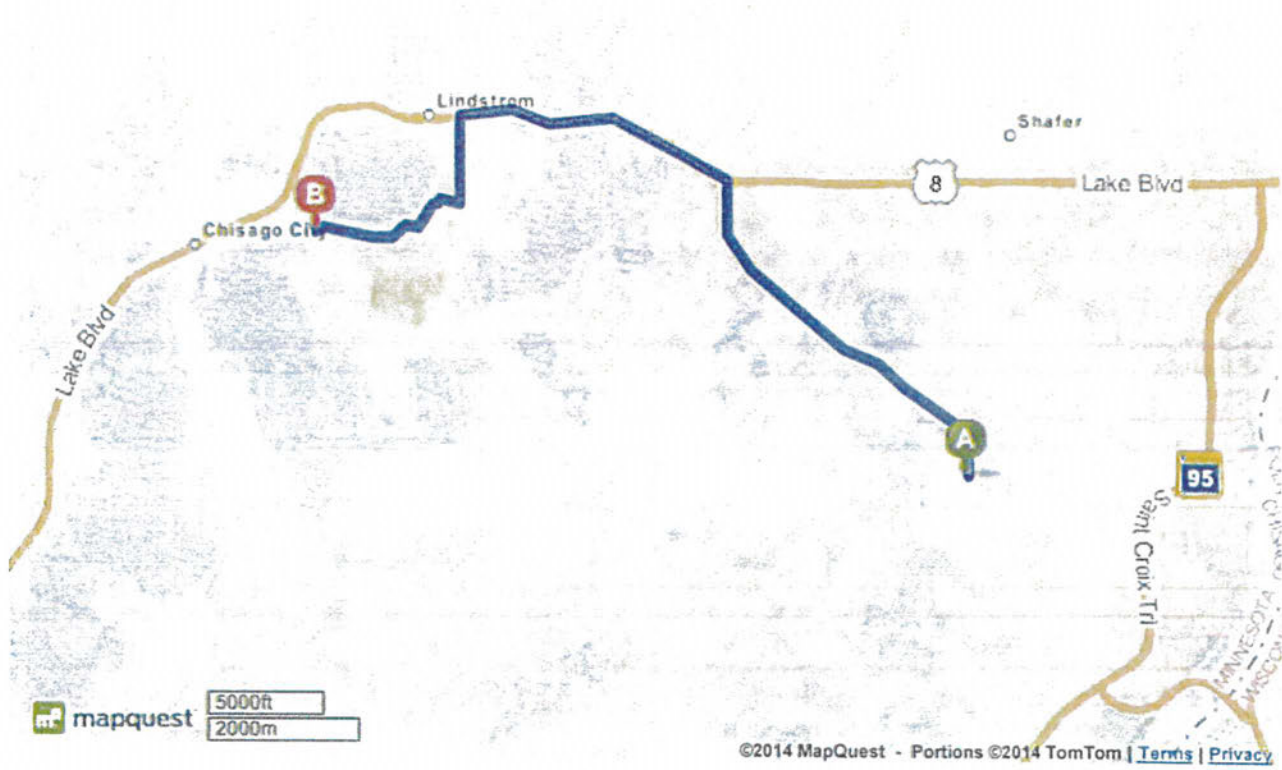
Exhibit List for Answer from Representative Robert Barrett

Exhibit	Description
A.	Map showing proximity of Shafer property to Mentzer Trail home
B.	Affidavit of Candidacy dated May 30, 2014
C.	Driver's license for Robert Charles Barrett
D.	Vehicle registration for 91 Dodge owned by Bob Barrett
E.	Vehicle registration for 04 Pontiac owned by Bob Barrett
F.	Delivery receipt for delivery made to Bob Barrett at the Mentzer home
G.	Rental agreement for 11950 Mentzer Trail home from June 2014 through May 2015
H.	Cost estimate from S&B Geothermal, Inc for geo-thermal heating repair to Shafer Property

Notes



Trip to:
11905 Mentzer Trl
Lindstrom, MN 55045-9428
7.98 miles / 15 minutes



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Office of the Minnesota Secretary of State AFFIDAVIT OF CANDIDACY

Filing #	180
Cash/Check #	5100
Amount \$	100.00

MAR 30 2014 PM 5:52

Instructions

All information on this form is available to the public. Information provided will be published on the Secretary of State's website. If filing for partisan office and not a major party candidate, you must file both an affidavit of candidacy and a nominating petition. (Minn. Stat. 204B.03)

Candidate Information

Name and Office

Candidate Name (as it will appear on the ballot) Bob Barrett

Office Sought State Representative District # 32B

For Partisan Office, Provide Political Party or Principle Republican

For Judicial Office, Provide Name of Incumbent _____

Residence Address

Do not complete if residence address is to be private and checkbox below is marked. All address and contact information is optional for federal, judicial, county attorney, and county sheriff office candidates.

Street Address _____

City _____ State MN Zip Code _____

My residence address is to be classified as private data. I certify a police report has been submitted, or I have an order for protection regarding my safety or my family's safety, and I have attached a separate form listing my residence address.

Campaign Address and Contact

Candidate Phone Number (Required) _____

Campaign Contact Address (Required for those who have checked the box above): _____

Street Address _____

City _____ State MN Zip Code _____

Website www.vote4bob.com Email _____

Affirmation

For all offices, I swear (or affirm) that this is my true name or the name by which I am generally known in the community.

If filing for a state or local office, I also swear (or affirm) that:

- I am eligible to vote in Minnesota;
- I have not filed for the same or any other office at the upcoming primary or general election (except as provided in M.S. 204B.06, subd. 1 (2));
- I am, or will be on assuming office, 21 years of age or more;
- I will have maintained residence in this district for at least 30 days before the general election; and
- If a major political party candidate, I either participated in the party's most recent precinct caucuses or intend to vote for a majority of that party's candidates at the next general election.

If filing for one of the following offices, I also swear (or affirm) that I meet the requirements listed below:

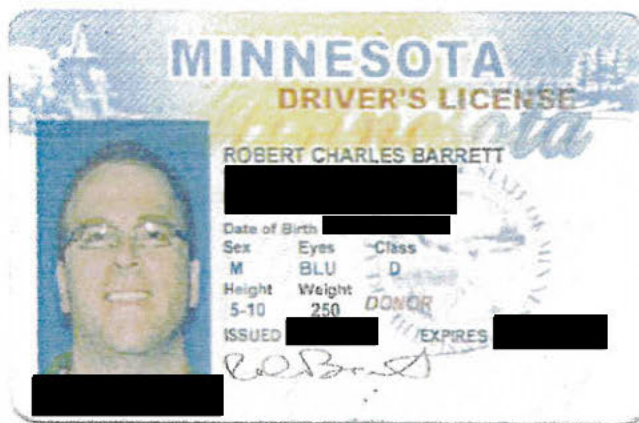
- **United States Senator** – I will be an inhabitant of this state when elected and I will be at least 30 years old and a citizen of the United States for not less than nine years on the next January 3rd, or if filled at special election, within 21 days after the election.
- **United States Representative** – I will be an inhabitant of this state when elected and I will be at least 25 years old and a citizen of the United States for not less than seven years on the next January 3rd, or if filled at special election, within 21 days after the election.
- **Governor or Lieutenant Governor** – I will be at least 25 years old on the first Monday of the next January and a resident of Minnesota for not less than one year on election day. I am filing jointly with _____
- **Supreme Court Justice, Court of Appeals Judge, District Court Judge, or County Attorney** – I am learned in the law and licensed to practice law in Minnesota. My Minnesota attorney license number is _____ and a copy of my license is attached.
- **State Senator or State Representative** – I will be a resident of Minnesota not less than one year and of this district for six months on the day of the general or special election.
- **County Sheriff** – I am a licensed peace officer in Minnesota. My Board of Peace Officer Standards and Training license number is _____ and a copy of my license is attached.
- **School Board Member** – I have not been convicted of an offense for which registration is required under Minn. Stat. 243.166.
- **County, Municipal, School District, or Special District Office** – I meet any other qualifications for that office prescribed by law.

Candidate Signature Bob Barrett Date 5-30-14

Subscribed and sworn to before me this 30th day of May, 2014.

Notary public or other officer empowered to take and certify acknowledgement

(Notary stamp)





MINNESOTA REGISTRATION CARD / CAB CARD
www.mndriveinfo.org



21616 1 AV 0.381 T:0044 - 24132
BARRETT ROBERT CHARLES



CURRENTLY, DVS IS UNABLE TO PROCESS YOUR RENEWAL IF YOU USE AN INTERNET BILL PAY SERVICE. Please use this form to renew in person, by mail or at www.mndriveinfo.org. Bill pay checks will be returned to the financial institution that issued them. Questions? Call 651-296-9528

Renewal Due by Last Day of:



Please see back for important instructions and payment options.

Plate	Year	Make	Vehicle ID Number	Weight/Pass	US DOT
[Redacted]	91	DODG	[Redacted]	14056	[Redacted]

TITLE	REGISTRATION TAX	MINIMUM CONTRIBUTION FEE	Plate Fee	Filing Fee	Tech Surcharge	Wheelage Tax	Total Due
[Redacted]	35.00			6.00	1.00	10.00	52.00

New Expiration: [Redacted]

NOTICE:
Only detach lower portion if you are renewing by mail.

I attest by this transaction, that this vehicle is insured and will continue to be insured while operated upon the public streets and highways as required by law.

Plate	New Exp.	Year	Make	Vehicle ID Number	Weight/Pass	Class	County	SP	US DOT
[Redacted]	APR 2015	91	DODG	[Redacted]	14056	10	13	00	[Redacted]

Check if address, US DOT # or county where vehicle is kept has changed. Write new information on back.
IF OWNER'S ADDRESS ON TOP OF FORM IS DIFFERENT FROM ADDRESS BELOW, PLEASE COMPLETE A CHANGE OF ADDRESS ON THE BACK.
THIS PORTION OF YOUR RENEWAL NOTICE MUST ACCOMPANY YOUR CHECK.

Registration Tax	35.00
Contribution	
Plate Fee	
Filing Fee	6.00
Tech Surcharge	1.00
Wheelage Tax	10.00
Total Due	52.00



DVS Renewal
P. O. Box 64587
St. Paul, MN 55164-0587



BARRETT ROBERT CHARLES



0415 070JRJ1B76626Y4MS2574961013000350015000052005



MINNESOTA REGISTRATION CARD / CAB CARD
www.mndriveinfo.org

3002 1 AV 0.381 T.0007 - 24662
BARRETT ROBERT CHARLES



CURRENTLY, DVS IS UNABLE TO PROCESS YOUR RENEWAL IF YOU USE AN INTERNET BILL PAY SERVICE. Please use this form to renew in person, by mail or at www.mndriveinfo.org. Bill pay checks will be returned to the financial institution that issued them. Questions? Call 651-296-9528

Renewal Due by Last Day of:

Please see back for important instructions and payment options.

Plate Year Make Vehicle ID Number Weight/Pass US DOT

TITLE REGISTRATION TAX MINIMUM CONTRIBUTION FEE Plate Fee Filing Fee Tech Surcharge Wheelage Tax Total Due

New Expiration:

NOTICE:
Only detach lower portion if you are renewing by mail.

I attest by this transaction, that this vehicle is insured and will continue to be insured while operated upon the public streets and highways as required by law.

Plate New Exp. Year Make Vehicle ID Number Weight/Pass Class County SP US DOT

Check if address, US DOT # or county where vehicle is kept has changed. Write new information on back. IF OWNER'S ADDRESS ON TOP OF FORM IS DIFFERENT FROM ADDRESS BELOW, PLEASE COMPLETE A CHANGE OF ADDRESS ON THE BACK. THIS PORTION OF YOUR RENEWAL NOTICE MUST ACCOMPANY YOUR CHECK.

Table with 2 columns: Fee Name, Amount. Rows: Registration Tax (35.00), Contribution, Plate Fee, Filing Fee (6.00), Tech Surcharge (1.00), Wheelage Tax (10.00), Total Due (52.00).



DVS Renewal
P. O. Box 64587
St. Paul, MN 55164-0587

BARRETT ROBERT CHARLES

0815 047HRV162NF52EX4M5429290913300350015000052005

Tracking Number: 6450156
Origin: Graphic Resources
2357 Ventura Dr Ste 100
Woodbury MN 55125-1944
(651) 731-8503
Must be on time/Del by 4pm

Destination: Res-barrett
[Redacted]
ok to leave

Ordered By: Matt

References:

Order Type: Mileage - Small Truck

Ordered: 2014-01-23 12:58 PM

Ready: 2014-01-23 12:57 PM

Due: 2014-01-23 4:00 PM

Dispatched: 2014-01-23 2014-01-23

Transmitted to Driver: 2014-01-23 2014-01-23

Confirmed by Driver: 2014-01-23 1:01 PM

Pieces: 4

Weight: 120

Charges: \$96.75

Billing Group / Cost Center:

Delivered: 2014-01-23 2:31 PM

Proof of Delivery: Front Door Per Notes



MINNESOTA STANDARD RESIDENTIAL LEASE

© Copyright 2011 by Minnesota State Bar Association, Minneapolis, Minnesota. BEFORE YOU USE OR SIGN THIS LEASE, YOU SHOULD CONSULT WITH A LAWYER TO DETERMINE THAT THIS CONTRACT ADEQUATELY PROTECTS YOUR LEGAL RIGHTS. Minnesota State Bar Association disclaims any liability arising out of use of this form.

The Office of the Minnesota Attorney General certifies that this contract complies with the requirements of Minn. Stat. §326G.31 (1999). CERTIFICATION OF A CONTRACT BY THE MINNESOTA ATTORNEY GENERAL UNDER THE PLAIN LANGUAGE CONTRACT ACT IS NOT OTHERWISE AN APPROVAL OF THE CONTRACT'S LEGALITY OR LEGAL EFFECT.

1 Landlord and Tenant agree to the following terms.
 2 **TENANTS.** (Each adult who signs this Lease is a "Tenant.") Justus and Bob Barrett and children
 3
 4 **OTHER OCCUPANTS.** _____
 5
 6 **LANDLORD.** Gregory Coulter
 7 The Premises ("Premises") includes dwelling unit number
 8 at (street address) (city) MN (zip code)
 9 and garage no. , storage unit no. , parking stall no.
 10 **Term of Lease.** (Write number of months or "month-to-month.") 12 months
 11 **Starting Date of Possession** June 1, 2014 **Ending Date of Possession** (if known) May 31, 2015
 12 **Monthly Rent** \$600 **Security Deposit** \$NA
 13 **Late Fee** \$5/day (In no case may the late fee exceed 8.0% of the overdue rent payment. Minn. Stat. Section 504B.177.)
 14 **OTHER CHARGES** (specify) _____
 15

RECEIPT. RECEIVED FROM TENANT BY LANDLORD AT THE SIGNING OF THIS LEASE:	AMOUNT
FIRST MONTH'S RENT PAID IN ADVANCE	\$500.00
FIRST MONTH'S UTILITIES PAID IN ADVANCE (See Choices 3 and 4 below.)	
LAST MONTH'S RENT PAID IN ADVANCE	\$500.00
SECURITY DEPOSIT PAID IN ADVANCE	
FIRST MONTH'S RENT FOR GARAGE PAID IN ADVANCE	
FIRST MONTH'S RENT FOR STORAGE UNIT PAID IN ADVANCE	
OTHER (Specify) _____, PAID IN ADVANCE	
TOTAL RECEIVED FROM TENANT:	\$1,000.00

Notice. Under Minnesota law, the landlord of a single-metered residential building is the bill payer responsible and shall be the customer of record contracting with the utility for utility services. Utilities and Services will be paid as follows.

UTILITIES:	Included in Rent		Not Included in Rent; Paid or Billed Separately	
	Choice No. 1	Choice No. 2	Choice No. 3	Choice No. 4
	LANDLORD PAYS SERVICE PROVIDER	TENANT PAYS DIRECTLY TO SERVICE PROVIDER	TENANT PAYS LANDLORD (Reimbursement for separately metered utility or for service for Tenant's Premises with separate billing or account in Landlord's name.) (ADDED TO RENT.)	TENANT PAYS LANDLORD FOR A PORTION OF UTILITIES OR SERVICES (Tenant's Premises does not have a separate meter.) (ADDED TO RENT)
	(Utilities and services are included in rent.)	(Tenant's Premises has a separate meter and separate billing or account in Tenant's name.)		
>>>>>> CHECK ONLY ONE COLUMN FOR EACH UTILITY OR SERVICE <<<<<<<				
Natural Gas			X	
Water & Sewer				
Electricity			X	
Fuel Oil				
Garbage Collection				
Telephone			X	
Cable Communication				
Association Fees				
Other Utility or Service (Specify)				

NOTES: If either Choice No. 3 or Choice No. 4 is checked for any utility or service, Landlord must complete Part 35 of this Lease before Tenant signs. Caution: Minneapolis and other cities might prohibit the apportioning of utilities (Choice No. 4). SEE NOTE IF CHOICE NO. 3 OR CHOICE NO. 4 IS CHECKED FOR ANY UTILITY OR SERVICE.

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36. ADDITIONAL TERMS.

Landlord and Tenant agree to the terms of this Lease.

LANDLORD

[Signature] Date 5/28/14
[Signature] Date 5/28/14

Date _____

Date _____

TENANTS

[Signature] Date 5-28-14

Date _____

Date _____

Date _____

RECEIPT BY TENANT(S)

I have received a signed original or copy of this Lease.

TENANTS:

Date: _____ Date: _____

Date: _____ Date: _____

S&B GeoThermal, Inc.

Heating and Air Conditioning
14115 Lincoln St. NE
Suite 300
Ham Lake, MN 55304
763-434-5162
www.sbgeothermal.com

**** PROPOSAL ****

4-3-13

Submitted to: Bob Barrett



We are pleased to provide our proposal to install ECONAR GeoSystems Heat Pumps in your home for review.

Job Specifications:

- 1 5 ton Northern combo heat pump with desuperheater
M# RU-VE-062-1-CLDX1-XX-US
COP 3.77, EER 20.4
- 1 2 pump Flow Center
- 1 Air pad
- 1 Digital thermostat
- 1 **We do not provide or install ANY high voltage or low voltage hook-up. This is not in price of contract.**

We will remove and take away the existing heat pump, set and connect the new heat pump to the loop field, connect to existing duct work, and reconfigure the plumbing to the radiant system.

PRICE DOES NOT INCLUDE:

We do not provide or install ANY high voltage or low voltage electrical hook-up. This is not in price of contract.

No temporary heating or cooling

Temporary heating can be arranged for an additional charge

We do not provide any landscaping or fill

All work is to be completed in a work person like manner according to standard practices. Any alterations or deviations from the above specifications involving extra cost will be executed upon written agreement,

and will become an extra charge over and above the bid. All agreements contingent upon accidents or delays beyond our control. In the event legal action must be commenced to enforce any of the terms here of, S&B GeoThermal Heating and Air Conditioning shall be entitled to a judgment award of all costs and expenses, including reasonable attorneys fees, for such suit or collection efforts.

We propose to furnish material and labor – complete in accordance with specifications for the

Sum of:

Total: \$15,000.00

Fifteen thousand dollars and 00/100

Payment terms: 1/2 down, 1/2 upon final.

Proposal is valid for 30 days.

Finance charge is 1.5% monthly.

Regards,

S&B GeoThermal

Authorized Signature:

_____ Date: _____

The above specifications and investments are accepted. You are authorized to complete work as specified.

We do not provide or install ANY high voltage or low voltage electrical hook-up. This is not in price of contract. Initial here: _____

Signature:

_____ Date: _____

Please note: You may be eligible for federal tax credits of 30 percent of the total and for rebates from your electricity provider. Please contact a tax professional and your electricity provider to verify your tax credits and rebates.