

STATE OF MINNESOTA
IN SUPREME COURT
No. A25-0157

FILED

February 5, 2025

OFFICE OF
APPELLATE COURTS

Lisa Demuth and Harry Niska,

Petitioners,

vs.

**NOTICE OF
PENDING MOOTNESS**

Minnesota Secretary of State
Steve Simon,

Respondent.

This matter pertains to the current lack of quorum in the Minnesota House of Representatives. Respondent, Secretary of State Steve Simon, has been presiding over the House because it has lacked a quorum since the beginning of the current legislative session and so has been unable to elect its own Speaker. This petition for a writ of *quo warranto*, brought by two members of the Republican leadership of the House, asserts that Secretary Simon has taken actions as presiding officer that are outside his legal authority.

The Court has scheduled this matter for oral argument tomorrow morning, February 6. However, tonight the Republican and Democratic leadership in the House have reached an agreement that, when implemented, will establish a quorum in the House and allow for the election of a Speaker—which, once accomplished, will relieve Secretary Simon of his presidership and moot this Petition. The House will next convene at 3:30 P.M. tomorrow,

February 6. Pursuant to the agreement, a quorum should be present, and a Speaker should be elected and the Petition mooted that same afternoon.

Petitioners anticipate that the agreement will be implemented as planned, and that tomorrow evening they will voluntarily dismiss the Petition. Although Petitioners do not anticipate that this implementation of the agreement will fail, if that should occur, the Petition of course would not be moot, and this Court's prompt review would be more important than ever.

In these circumstances, Petitioners suggest that the Court enter an order postponing oral argument in this matter to Monday, February 10, 2025. Counsel for Respondent were notified of the pending agreement, but declined to participate in any joint filing with the Court.

Dated: February 5, 2025

s/Nicholas J. Nelson
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