



MINNESOTA SECRETARY OF STATE  
Represented by Lori Swanson, Christie B. Eller

NORM COLEMAN  
Represented by Frederic Knaak

AL FRANKEN  
Represented by David L. Lillehaug

HENNEPIN COUNTY CANVASSING BOARD  
Represented by Hennepin County Attorney's Office,  
Michael O. Freeman

RAMSEY COUNTY CANVASSING BOARD  
Represented by Ramsey County Attorney's Office,  
Susan Gaertner, Darwin Lookingbill

STEVENS COUNTY AUDITOR  
Represented by Charles Glasrud,  
Stevens County Attorney

BELTRAMI COUNTY AUDITOR  
Represented by Tim Faver,  
Beltrami County Attorney

CROW WING AUDITOR  
Represented by Don Ryan,  
Crow Wing County Attorney

KOOCHICHING COUNTY AUDITOR  
Represented by Phillip K. Miller,  
Koochiching County Attorney

COTTONWOOD COUNTY AUDITOR  
Represented by L. Douglas Storey,  
Cottonwood County Attorney

ANOKA COUNTY AUDITOR  
Represented by Robert Johnson,  
Anoka County Attorney

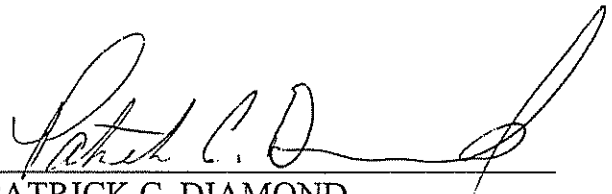
CHISAGO COUNTY AUDITOR  
Represented by Janet Reiter,  
Chisago County Attorney

3) After electronically filing the Joint Motion, Affiant received the following additional assents to the Joint Motion:

CARLTON COUNTY AUDITOR  
Represented by Thomas H. Pertler,  
Carlton County Attorney

TRAVERSE COUNTY AUDITOR  
Represented by Matthew Franzese  
Traverse County Attorney

FURTHER THAN THIS, YOUR AFFIANT SAYETH NAUGHT.

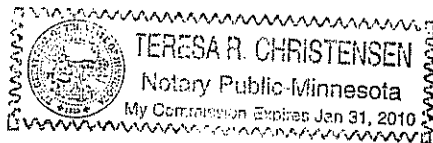


PATRICK C. DIAMOND  
Deputy County Attorney  
Attorney License No. 0175110  
C-2000 Government Center  
Minneapolis, MN 55487  
Telephone: (612) 348-8406  
FAX: (612) 348-6028

Subscribed to and sworn to before me  
this 23rd Day of December, 2008.



Notary Public





"Eller, Christie"  
<Christie.Eller@state.mn.us>  
12/23/2008 10:12 AM

To <pat.diamond@co.hennepin.mn.us>  
cc  
bcc  
Subject FW: Stip

The Secretary is in agreement with the Joint Stipulation. See email below re Tony Trimble. He will call you. I have noticed a few more typos.

*Christie B. Eller*  
*Deputy Attorney General*  
Government Operations Section  
445 Minnesota Street, Suite 1200  
St. Paul MN 55101-2130  
(651) 296-6427 (Voice)  
(651) 282-5437 (Fax)  
[christie.eller@state.mn.us](mailto:christie.eller@state.mn.us)

\*\*\*\*\*

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\*\*\*\*\*

**From:** Bert Black [mailto:[Bert.Black@state.mn.us](mailto:Bert.Black@state.mn.us)]  
**Sent:** Tuesday, December 23, 2008 10:07 AM  
**To:** 'Eller, Christie'  
**Subject:** Stip

Trimble says they are ok but wants to know how to mechanically get this thing signed.

-----

NOTICE: E-mail correspondence to and from the Office of the Secretary of State of Minnesota may be public data subject to the Minnesota Data Practices Act and/or may be disclosed to third parties

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"Fritz Knaak"  
<fknaak@klaw.us>  
12/23/2008 10:13 AM

To pat.diamond@co.hennepin.mn.us  
cc trimblelegals@earthlink.net  
bcc  
Subject

Mr. Diamond:

On behalf of the Coleman campaign, I assent  
to the stipulation received by us this morning  
as modified.

Frederic W. "Fritz" Knaak  
(Licensed in MN, WI & CO)  
KNAAK & KANTRUD, P.A.  
3500 Willow Lake Blvd., Suite 800  
Vadnais Heights, MN 55110  
Phone: 651/490-9078 - Fax: 651/490-1580  
Mailto:fknaak@klaw.us - Web: www.klaw.us



"Lillehaug, David"  
<dlillehaug@fredlaw.com>  
12/23/2008 10:51 AM

To <Teresa.Christensen@co.hennepin.mn.us>  
cc <pat.diamond@co.hennepin.mn.us>, "Hamilton, Kevin J.  
(Perkins Coie)" <KHamilton@perkinscoie.com>  
bcc

Subject RE: Joint Motion - Final Version

Pat -- Two more typos have appeared. In the caption: December. And in numbered 1, the date of the Order is December 18.

Otherwise, Al Franken and the Franken for Senate Committee concur in the motion.

David Lillehaug  
Fredrikson & Byron, P.A.  
612-492-7321

**From:** Teresa.Christensen@co.hennepin.mn.us [mailto:Teresa.Christensen@co.hennepin.mn.us]  
**Sent:** Tuesday, December 23, 2008 10:21 AM  
**To:** Lillehaug, David  
**Subject:** Joint Motion - Final Version

Disclaimer: Information in this message or an attachment may be government data and thereby subject to the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, may be subject to attorney-client or work product privilege, may be confidential, privileged, proprietary, or otherwise protected, and the unauthorized review, copying, retransmission, or other use or disclosure of the information is strictly prohibited. If you are not the intended recipient of this message, please immediately notify the sender of the transmission error and then promptly delete this message from your computer system.



"Lookingbill, Darwin"  
<darwin.lookingbill@CO.RAM  
SEY.MN.US>  
12/23/2008 08:56 AM

To <pat.diamond@co.hennepin.mn.us>  
cc  
bcc  
Subject RE: joint motion

You can indicate that Ramsey County agrees with the motion.

DJL

P.S. There is a typographical error in the first sentence.

-----Original Message-----

From: pat.diamond@co.hennepin.mn.us  
[mailto:pat.diamond@co.hennepin.mn.us]  
Sent: Tuesday, December 23, 2008 8:51 AM  
To: FKnaak@law.us; trimblelegals@earthlink.net; MElias@perkinscole.com;  
KHamilton@perkinscole.com; dlillehaug@fredlaw.com;  
christie.eller@state.mn.us; bert.black@state.mn.us;  
jim.gelbmann.@state.mn.us; Lookingbill, Darwin;  
Teresa.Christensen@co.hennepin.mn.us  
Subject: joint motion

Attached is a redrafted joint motion to promote ballot secrecy. Given our time situation, I would like to file an affidavit with the Court under separate cover, but before the argument today, indicating that I received email assent to the joint motion. Therefore, if you give such assent, please email me. If you have questions, please call me at 612-408-3977. (See attached file: recount motion 12-23-08.doc)Disclaimer: Information in this message or an attachment may be government data and thereby subject to the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, may be subject to attorney-client or work product privilege, may be confidential, privileged, proprietary, or otherwise protected, and the unauthorized review, copying, retransmission, or other use or disclosure of the information is strictly prohibited. If you are not the intended recipient of this message, please immediately notify the sender of the transmission error and then promptly delete this message from your computer system.



"Charlie Glasrud"  
<glasrudlaw@hometownsolutions.net>

12/23/2008 09:59 AM

To <pat.diamond@co.hennepin.mn.us>

cc

bcc

Subject RE: joint motion

Looks good, Pat. If need be, I'll sign or have my auditor sign an affidavit that it looks like we have one vote that may be wrongly not counted. (That will depend on what the parties decide; he stamped his signature on his envelope, but had parkinsons. He died after the election. My research shows this should be good, but the determination depends on the facts of his illness and circumstances of the stamping, which are not apparent from the face of the envelope. Am absolutely committed to seeing that an individual's vote is not revealed by us.

Charlie Glasrud

-----Original Message-----

From: pat.diamond@co.hennepin.mn.us  
[mailto:pat.diamond@co.hennepin.mn.us]  
Sent: Tuesday, December 23, 2008 9:26 AM  
To: glasrudlaw@hometownsolutions.net  
Subject: Fw: joint motion

Some folks did not get what I sent out last night. Here is the latest version. If you wish to be added, just let me know by email.

----- Forwarded by Pat Diamond/CA/Hennepin on 12/23/2008 09:24 AM -----

Pat Diamond/CA/Hennepin

12/23/2008 09:02 AM

To

Pat

Diamond/CA/Hennepin@Hennepin

cc

bert.black@state.mn.us, christie.eller@state.mn.us,

darwin.lookingbill@co.ramsey.mn.us, dlillehaug@fredlaw.com,  
FKnaak@law.us,

jim.gelbmann.@state.mn.us, KHamilton@perkinscole.com,  
MElias@perkinscole.com,

Teresa Christensen/CA/Hennepin@Hennepin, trimblelegals@earthlink.net

Subject

Re:

joint motion(Document link: Pat Diamond)



"Tim Faver"  
<timothy.faver@co.beltrami.mn.us>

12/23/2008 09:59 AM

To <pat.diamond@co.hennepin.mn.us>  
cc "Kay Mack" <kay.mack@co.beltrami.mn.us>  
bcc

Subject RE: Ballot secrecy

Pat: I have spoken to our Auditor, Kay Mack, and Beltrami County is willing to join in the Petition you sent me. We very much support correcting the erroneous rejection of absentee ballots, but feel that it must be done in a fashion that not only provides uniformity in addressing the rejection issue, but more importantly provides privacy to those absentee voters.

Thank you for taking the lead in this matter.

Timothy Faver  
Beltrami County Attorney

-----Original Message-----

From: pat.diamond@co.hennepin.mn.us  
[mailto:pat.diamond@co.hennepin.mn.us]  
Sent: Tuesday, December 23, 2008 9:40 AM  
To: Tim Faver  
Cc: Amy R Brosnahan; Brett Corson; Boyd A. Beccue; Brian J Melton; Brian Roverud; Roger C Malm; Christopher J Strandlie; Craig S. Nelson; Donovan D. Dearstyne; David Hauser; Donald F. Ryan; L. Douglas Storey; Don Klosterbuer; John Jack Muhar; Janet Reiter; Jeanine Brand; Jeffrey R. Edblad; James C. Backstrom; James W. Keeler; James P Ratz; James R. Olson; Kay Mack; Michael D Fritz; Michael.Freeman@co.hennepin.mn.us; Paul Kiltinen; Philip K Miller; Robert M.A. Johnson; Robert C. O'Connor; Ross E. Arneson; Robert J. Raupp; Stephen N. Betcher; Suzanne M Bublitz; Thomas H Pertler; Timothy C. Scannell  
Subject: RE: Ballot secrecy

Apparently there has been some problem with email. Here is a copy of a joint motion proposed to be submitted to the Minnesota Supreme Court. I would like to do this as soon as possible. Certainly, this morning. If you would be willing to join on behalf of your auditor or canvassing board, I need an email from you indicating your assent. (See attached file: recount motion 12-23-08.doc)

"Tim Faver" <timothy.faver@co.beltrami.mn.us>

12/20/2008 04:17 PM

To

<Pat.Diamond@co.hennepin.mn.us>, "David Hauser"  
<dhauser@co.otter-tail.mn.us>,

<Michael.Freeman@co.hennepin.mn.us>, "Don Klosterbuer"



"Don Ryan"  
<Don.Ryan@co.crow-wing.mn.us>  
12/23/2008 10:04 AM

To <pat.diamond@co.hennepin.mn.us>  
cc  
bcc  
Subject RE: Ballot secrecy

I agree with the motion to amend the Supreme courts order as proposed. Please add me to the list of motioning Parties.

The information contained in this e-mail is intended only for the use of the individual or entity named above. If the reader of this e-mail is not the intended recipient, you are requested to refrain from reading this email or examining any attachments to the email. Please notify the person sending the message of the mistaken delivery immediately.

>>> <pat.diamond@co.hennepin.mn.us> 12/23/2008 9:40 AM >>>

Apparently there has been some problem with email. Here is a copy of a joint motion proposed to be submitted to the Minnesota Supreme Court. I would like to do this as soon as possible. Certainly, this morning. If you would be willing to join on behalf of your auditor or canvassing board, I need an email from you indicating your assent. (See attached file: recount motion 12-23-08.doc)

"Tim Faver" <timothy.faver@co.beltrami.mn.us>

12/20/2008 04:17 PM

To

<Pat.Diamond@co.hennepin.mn.us>, "David Hauser" <dhauser@co.otter-tail.mn.us>,  
<Michael.Freeman@co.hennepin.mn.us>, "Don Klosterbuer"  
<drklosterbuer@khlawmn.com>

cc

"Roger C Malm" <brinklaw@brinklawyers.com>, "James R. Olson" <jro@brolaw.com>,  
"James P Ratz" <jratz@co.aitkin.mn.us>, "Robert M.A. Johnson"  
<rmjohnso@co.anoka.mn.us>, "Michael D Fritz" <mdfritz@co.becker.mn.us>,  
"Robert J. Raupp"  
<rraupp@co.benton.mn.us>, "Ross E. Arneson"  
<ross.arneson@co.blue-earth.mn.us>, "Thomas H Pertler"  
<thom.pertler@co.carlton.mn.us>, "James W. Keeler" <jkeeler@co.carver.mn.us>,  
"Christopher J Strandlie" <chris.strandlie@co.cass.mn.us>, "Janet Reiter"  
<jareite@co.chisago.mn.us>, "Brian J Melton" <brian.melton@co.clay.mn.us>,  
"Jeanine"



"Philip K. Miller"  
<phil.miller@co.koochiching.  
mn.us>  
12/23/2008 10:23 AM

To <pat.diamond@co.hennepin.mn.us>, "Tim Faver"  
<timothy.faver@co.beltrami.mn.us>  
cc "Amy R Brosnahan"  
<amy.brosnahan@co.kanabec.mn.us>, "Brett Corson"  
<bcorson@co.fillmore.mn.us>, "Boyd A. Beccue"  
bcc

Subject RE: Ballot secrecy

I just finished speaking to my Auditor. Koochiching County is on board with this issue.

-----Original Message-----

From: pat.diamond@co.hennepin.mn.us [mailto:pat.diamond@co.hennepin.mn.us]  
Sent: Tuesday, December 23, 2008 9:40 AM  
To: Tim Faver  
Cc: Amy R Brosnahan; Brett Corson; Boyd A. Beccue; Brian J Melton; Brian Roverud; Roger C Malm; Christopher J Strandlie; Craig S. Nelson; Donovan D. Dearstyne; David Hauser; Donald F. Ryan; L. Douglas Storey; Don Klosterbuer; John Jack Muhar; Janet Reiter; Jeanine Brand; Jeffrey R. Edblad; James C. Backstrom; James W. Keeler; James P Ratz; James R. Olson; Kay Mack; Michael D Fritz; Michael.Freeman@co.hennepin.mn.us; Paul Kiltinen; Philip K Miller; Robert M.A. Johnson; Robert C. O'Connor; Ross E. Arneson; Robert J. Raupp; Stephen N. Betcher; Suzanne M Bublitz; Thomas H Pertler; Timothy C. Scannell  
Subject: RE: Ballot secrecy

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"Tim Faver" <timothy.faver@co.beltrami.mn.us>

12/20/2008 04:17 PM

To

<Pat.Diamond@co.hennepin.mn.us>, "David Hauser"  
<dhauser@co.otter-tail.mn.us>,

<Michael.Freeman@co.hennepin.mn.us>, "Don Klosterbuer"

<drklosterbuer@khlawmn.com>

cc

"Roger  
C Malm" <brinklaw@brinklawyers.com>, "James R. Olson" <jro@brolaw.com>,  
"James



"Douglas Storey"  
<doug.storey@co.cottonwood  
.mn.us>

12/23/2008 10:28 AM

To <pat.diamond@co.hennepin.mn.us>

cc

bcc

Subject Re: Ballot secrecy

You can certainly add Cottonwood County. The Auditor/Treasurer, Jan Johnson, and I have reviewed the Joint Motion and agree with it. L. Douglas Storey, Cottonwood County Attorney

----- Original Message -----

From: <pat.diamond@co.hennepin.mn.us>

To: "Tim Faver" <timothy.faver@co.beltrami.mn.us>

Cc: "Amy R Brosnahan" <amy.brosnahan@co.kanabec.mn.us>; "Brett Corson" <bcorson@co.fillmore.mn.us>; "Boyd A. Beccue" <boyd\_b@co.kandiyohi.mn.us>; "Brian J Melton" <brian.melton@co.clay.mn.us>; "Brian Roverud" <brian.roverud@co.faribault.mn.us>; "Roger C Malm" <brinklaw@brinklawyers.com>; "Christopher J Strandlie" <chris.strandlie@co.cass.mn.us>; "Craig S. Nelson" <craig.nelson@co.freeborn.mn.us>; "Donovan D. Dearstyne" <ddearstyne@co.hubbard.mn.us>; "David Hauser" <dhauser@co.otter-tail.mn.us>; "Donald F. Ryan" <don.ryan@co.crow-wing.mn.us>; "L. Douglas Storey" <doug.storey@co.cottonwood.mn.us>; "Don Klosterbuer" <drklosterbuer@khlawmn.com>; "John Jack Muhar" <jack.muhar@co.itasca.mn.us>; "Janet Reiter" <jareite@co.chisago.mn.us>; "Jeanine Brand" <jeanine.brand@co.clearwater.mn.us>; "Jeffrey R. Edblad" <jeff.edblad@co.isanti.mn.us>; "James C. Backstrom" <jim.backstrom@co.dakota.mn.us>; "James W. Keeler" <jkeeler@co.carver.mn.us>; "James P Ratz" <jratz@co.aitkin.mn.us>; "James R. Olson" <jro@brolaw.com>; "Kay Mack" <kay.mack@co.beltrami.mn.us>; "Michael D Fritz" <mdfritz@co.becker.mn.us>; "Michael Freeman" <Michael.Freeman@co.hennepin.mn.us>; "Paul Kiltinen" <paul.kiltinen@co.dodge.mn.us>; "Philip K Miller" <phil.miller@co.koochiching.mn.us>; "Robert M.A. Johnson" <rmjohnso@co.anoka.mn.us>; "Robert C. O'Connor" <robert.oconnor@co.jackson.mn.us>; "Ross E. Arneson" <ross.arneson@co.blue-earth.mn.us>; "Robert J. Raupp" <rraupp@co.benton.mn.us>; "Stephen N. Betcher" <steve.betcher@co.goodhue.mn.us>; "Suzanne M Bublitz" <suzanne.bublitz@co.houston.mn.us>; "Thomas H Pertler" <thom.pertler@co.carlton.mn.us>; "Timothy C. Scannell" <tim.scannell@co.cook.mn.us>

Sent: Tuesday, December 23, 2008 9:40 AM

Subject: RE: Ballot secrecy

Apparently there has been some problem with email. Here is a copy of a joint motion proposed to be submitted to the Minnesota Supreme Court. I would like to do this as soon as possible. Certainly, this morning. If you would be willing to join on behalf of your auditor or canvassing board, I need an email from you indicating your assent. (See attached file: recount motion 12-23-08.doc)

"Tim Faver" <timothy.faver@co.beltrami.mn.us>



"Robert Johnson"  
<RMJohnso@co.anoka.mn.us>  
s>  
12/23/2008 10:29 AM

To <pat.diamond@co.hennepin.mn.us>  
cc  
bcc  
Subject RE: Ballot secrecy

Anoka County hereby joins the motion. I have spoken with Rachel Smith, our election supervisor, and she supports the motion. She is the "auditor" for this function in Anoka County.

>>> <pat.diamond@co.hennepin.mn.us> 12/23/2008 9:40 AM >>>

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"Tim Faver" <timothy.faver@co.beltrami.mn.us>

12/20/2008 04:17 PM

To

<Pat.Diamond@co.hennepin.mn.us>, "David Hauser"  
<dhauser@co.otter-tail.mn.us>,

<Michael.Freeman@co.hennepin.mn.us>, "Don Klosterbuer"

<drklosterbuer@khlawmn.com>

cc

"Roger C Malm" <brinklaw@brinklawyers.com>, "James R. Olson"  
<jro@brolaw.com>,

"James P Ratz" <jratz@co.aitkin.mn.us>, "Robert M.A. Johnson"

<rmjohnso@co.anoka.mn.us>, "Michael D Fritz"  
<mdfritz@co.becker.mn.us>, "Robert

Raupp" <r-raupp@co.benton.mn.us>, "Ross E. Arneson"

J.



"Janet Reiter"  
<JAreite@co.chisago.mn.us>

12/23/2008 10:43 AM

To <pat.diamond@co.hennepin.mn.us>  
cc "Dennis J. Freed" <DJfreed@co.chisago.mn.us>  
bcc

Subject RE: Ballot secrecy

Pat,  
On behalf of Chisago County Auditor Dennis J. Freed, Chisago County is willing to join in the motion.

Janet Reiter  
Chisago County Attorney  
Chisago County Government Center  
313 North Main Street, Rm 373  
Center City, MN 55012  
(651)213-8400

-----Original Message-----

From: pat.diamond@co.hennepin.mn.us  
[mailto:pat.diamond@co.hennepin.mn.us]  
Sent: Tuesday, December 23, 2008 9:40 AM  
To: Tim Faver  
Cc: Amy R Brosnahan; Brett Corson; Boyd A. Beccue; Brian J Melton; Brian Roverud; Roger C Malm; Christopher J Strandlie; Craig S. Nelson; Donovan D. Dearstyne; David Hauser; Donald F. Ryan; L. Douglas Storey; Don Klosterbuer; John Jack Muhar; Janet Reiter; Jeanine Brand; Jeffrey R. Edblad; James C. Backstrom; James W. Keeler; James P Ratz; James R. Olson; Kay Mack; Michael D Fritz; Michael.Freeman@co.hennepin.mn.us; Paul Kiltinen; Philip K Miller; Robert M.A. Johnson; Robert C. O'Connor; Ross E. Arneson; Robert J. Raupp; Stephen N. Betcher; Suzanne M Bublitz; Thomas H Pertler; Timothy C. Scannell  
Subject: RE: Ballot secrecy

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"Tim Faver" <timothy.faver@co.beltrami.mn.us>

12/20/2008 04:17 PM

To

<Pat.Diamond@co.hennepin.mn.us>, "David Hauser"  
<dhauser@co.otter-tail.mn.us>,

<Michael.Freeman@co.hennepin.mn.us>, "Don Klosterbuer"



"Annette Johnson"  
<Annette.Johnson@co.carlton.mn.us>

12/23/2008 11:28 AM

To <pat.diamond@co.hennepin.mn.us>

cc "THOM PERTLER" <THOM.PERTLER@co.carlton.mn.us>

bcc

Subject FROM THOMAS H. PERTLER, CARLTON COUNTY  
ATTORNEY

Mr. Diamond:

I am sending this email on behalf of Thomas Pertler. He is currently out of State on vacation, phoned me and wanted me to email you the following:

Pursuant to our conversation earlier this morning, I was able to contact the Carlton County Auditor and he agreed with my assessment that Carlton County would be in agreement with the joint Motion to the Court asking the Secretary of State to count those remaining ballots rather than convening a Canvassing Board in Carlton County, I do agree with the proposal and support the inclusion of Carlton County in your Motion to the Court this afternoon.

Thomas H. Pertler



"Matthew Franzese"  
<matt.franzese@co.traverse.  
mn.us>

12/23/2008 10:55 AM

To <pat.diamond@co.hennepin.mn.us>

cc

bcc

Subject Re: Motion - my assent

I agree with the proposed motion and ask the Court to amend its Order dated December 12, 2008, accordingly.

----- Original Message -----

From: <pat.diamond@co.hennepin.mn.us>

To: <Matt.Franzese@co.traverse.mn.us>

Sent: Tuesday, December 23, 2008 10:50 AM

Subject: Motion

(See attached file: recount motion 12-23-08.doc)Disclaimer: Information in this message or an attachment may be government data and thereby subject to the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, may be subject to attorney-client or work product privilege, may be confidential, privileged, proprietary, or otherwise protected, and the unauthorized review, copying, retransmission, or other use or disclosure of the information is strictly prohibited. If you are not the intended recipient of this message, please immediately notify the sender of the transmission error and then promptly delete this message from your computer system.

-----  
--  
  
No virus found in this incoming message.

Checked by AVG - <http://www.avg.com>

Version: 8.0.176 / Virus Database: 270.10.0/1862 - Release Date: 12/23/2008  
12:08 PM