

STATE OF MINNESOTA

IN COURT OF APPEALS

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CITY OF MORRIS,

Plaintiff/Respondent,

vs.

SAX INVESTMENTS, INC. and  
MICHAEL SAX,

Defendants/Appellants.

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**RESPONDENT'S SUPPLEMENTAL RESPONSIVE BRIEF**

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## TABLE OF AUTHORITIES

No authorities are cited in this supplemental responsive brief.

## **LEGAL ISSUES**

This supplemental responsive brief raises no additional legal issues.

## STATEMENT OF FACTS AND CASE

On August 22, 2006, Respondent served and filed a formal responsive brief to the informal brief filed herein by Appellant. That same day, this Court issued an order noting that leave had not been granted to file an informal brief, and giving Appellant the opportunity to file a formal brief. In the event Appellant did so, the Court afforded Respondent the opportunity to file a supplemental responsive brief.

Appellant did, in fact, file a formal brief. It varies only slightly from the brief to which Respondent has already responded. This supplemental responsive brief addresses only the changes.

## ARGUMENT

Appellants' arguments are unchanged in the formal brief from the informal brief. Based on a review of the brief and communication with Appellants' counsel, it appears there is one additional case cited, one additional sentence included in the argument, and an additional paragraph added to the conclusion.

Respondent deems the arguments in its main brief sufficient to address the arguments and conclusion in Appellants' formal brief. The purpose of this supplemental brief is to note corrections in certain references made in Respondent's main responsive brief, so that they correspond to the formal brief of Appellants with which the Court will have reference herein.

1. In Respondent's Statement of Facts, pagination of citations to Appellants' Appendix has changed. The following table shows the correct pages:

<u>Former Designation</u>		<u>New Designation</u>	
Appellant's Appendix	p. 34	Appellant's Appendix	<i>p. 31</i>
Appellant's Appendix	p. 27	Appellant's Appendix	<i>p. 24</i>

2. In Respondent's argument, a citation to Appellant's brief should be adjusted: at page 5, second paragraph, the final sentence should read:

In fact, Sax argues that decision "provides the only applicable case law pertaining to the issue of preemption of the provisions of the local ordinance by the Minnesota State Building Code." (Appellant's Brief, *p. 23*)

Respectfully submitted,

Dated: September 20, 2006



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