

No. A06-1871

OFFICE OF  
APPELLATE COURTS

STATE OF MINNESOTA  
IN SUPREME COURT

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OCT 20 2006

FILED

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Tim Breza, Larry Buboltz, Dan Dorman,  
Morrie Lanning, Michael Lang, Keith  
Langseth, Jerry Miller, H. Dan Ness, Tom  
Rukavina, Kathy Serva, Eric Sorensen,  
Mark Voxland, Lauri Winterfeldt-Shanks,

**PETITION FOR LEAVE TO  
PARTICIPATE IN ORAL  
ARGUMENT**

Petitioners,

vs.

Mary Kiffmeyer, Minnesota Secretary of  
State,

Respondent.

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TO: The Supreme Court of the State of Minnesota:

Pursuant to Minnesota Civil Appellate Rule 129.04, petitioners Representative Ron Erhardt, the Minnesota Center for Environmental Advocacy, and the Minnesota Chamber of Commerce ("Amici Petitioners"), request leave to participate in oral argument in the above-captioned proceeding in support of the brief they filed with the Court on October 13, 2006.

Amici Petitioners do not need the Court to expand the total time for oral argument beyond the thirty minutes already allocated to Respondent Kiffmeyer. Counsel for

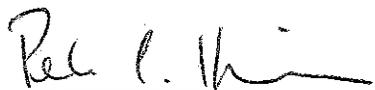
Respondent Kiffmeyer has agreed to cede a portion of his oral argument time to the Amici Petitioners. The Secretary of State and Amici Petitioners will inform the Court of the time allocation between their respective parties at oral argument on October 25, 2006, unless the Court requests specification at an earlier time.

The Amici Petitioners base their request to participate in oral argument on the same grounds cited in their Petition for Leave to Participate, filed with the Court on October 13, 2006. Additionally, the arguments in the briefs of Respondent Kiffmeyer and the Amici Petitioners address different subject areas, each of which is potentially dispositive of the issues before the Court. Given these differences, Amici Petitioners believe that oral argument on the issues raised in their brief will assist the Court in resolving this matter.

Counsel for Petitioners Breza et al. does not oppose Amici Petitioners' request to participate, and supports a full hearing on all arguments before the Court.

Dated: October 19, 2006

FAEGRE & BENSON LLP



Richard A. Duncan, # 192983  
Peter C. Hennigan, # 31089X  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402-3901  
(612) 766-7000

Attorneys for Amicus Curiae  
Representative Ron Erhardt, Minnesota  
Chamber Of Commerce, And Minnesota  
Center For Environmental Advocacy





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PETER HENNIGAN  
phennigan@faegre.com  
(612) 766-6873

October 19, 2006

Minnesota Supreme Court  
Frederick K. Grittner  
Clerk of Appellate Courts  
305 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King, Jr. Blvd.  
St. Paul, MN 55155-6102

**BY FACSIMILE AND U.S. MAIL**

**Re: Tim Breza, et al. v. Mary Kiffmeyer, Minnesota Secretary of State**  
**Case No. A06-1871**

Dear Mr. Grittner;

Enclosed for filing is a Petition For Leave To Participate In Oral Argument in the above matter.

Please feel free to contact me with any questions.

Very truly yours,

FAEGRE & BENSON LLP

  
Peter Hennigan

HENPC:walpj  
Enclosures

cc: Kenneth E. Raschke, Jr.  
Douglas Peine

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