

STATE OF MINNESOTA
IN COURT OF APPEALS

OFFICE OF
APPELLATE COURTS

AUG 28 2008

FILED

PM 8/27

Matthew J. Look on behalf of his minor son
John Dehen on behalf of his minor daughter,
and Matthew J. Look and John P. Dehen
on behalf of those City of Ramsey residents
similarly situated.

APPELLANT'S LETTER BRIEF
REPLY

Trial Court Case
Number: CV-08-1739

Ct. of Appeals Case
Number: A08-1114

Plaintiffs-Appellants,

vs.

PACT Charter School,

Defendant-Respondent.

DEHEN LAW FIRM, P.A.
John P. Dehen #189546
2140 Fourth Ave. N
Anoka, MN 55303
763-323-3449
Attorney for Appellants

Briggs and Morgan
Samuel Hanson
2200 IDS Center
80 South 8th Street
Minneapolis, MN 55404-2157
Attorney for Respondent

STATE OF MINNESOTA

IN COURT OF APPEALS

Matthew J. Look on behalf of his minor son
John Dehen on behalf of his minor daughter,
and Matthew J. Look and John P. Dehen
on behalf of those City of Ramsey residents
similarly situated.

APPELLANT'S SHORT
LETTER ARGUMENT REPLY

Trial Court Case
Number: CV-08-1739

Plaintiffs-Appellants,

vs.

Ct. of Appeals Case
Number: A08-1114

PACT Charter School,

Defendant-Respondent.

REPLY ARGUMENT

On page 5 of its letter brief, Respondent implies that appellants "suggest" Senator Neuville made a "mistake" in his use of the word "town". Mistake or no mistake is not the issue before this Court. No question, Senator Neuville could have penned a better choice of words when he spoke of the purpose of the relevant charter school amendment that is reflected in the transcript of the hearing to expand enrollment opportunities to those residents living in the City of Nerstrand. Perhaps, a definition of "town" in the relevant statute could have similarly potentially prevented the litigation herein. However, it does not follow that Senator Neuville's choice of words in using "town" when he meant something more expansive means other legislators must have concluded that "town" meant an unincorporated local unit of government as defendant contends.

Concluding one definition over the other without looking at other interpretative evidence requires the Court to guess. Equally plausible and contrary to respondent's argument (that "town" is unambiguous and has to mean an unincorporated entity) is appellants' contention that those same legislators who voted on this amendment could have concluded that "town" meant "the territory within which this population lives" or "collectively, the people who live within this territory" as defined by Black's Law Dictionary. Quite possibly, those other legislators could have thought of some other definition when voting.

As Respondent correctly argues, other than the committee who voted on the amendment, one may never know what the other legislators were pondering when casting their vote. The point of the matter is that it is the duty of the court to discern the legislature's intent. If this court concludes that "town" means unincorporated entity, this Court would actually subvert the only legislative history we have--the transcript of the discussion to expansively apply the law.

Finally, on page 5-6 of its letter brief, Respondent argues that the attempted legislative fix in the recent legislative session must mean the legislature must have recognized a possible mistake and therefore only the legislature can determine whether a mistake has been made and whether it should be corrected. Again, the crux of the matter is not whether the legislature made a "mistake". What the legislature intended in introducing a subsequent bill regarding the charter school amendment is subject to debate. As explained in counsel's letter to the District Court Judge Frederickson dated May 29, 2008 and hereby attached, the impetus for the change in the law was made by plaintiff Look following the commencement of this case. Mr. Look contacted legislator

Laura Brod to clarify the at issue language to ensure a prospective broad application of the law as Senator Neuville had intended following a discussion with Senator Neuville.

Dated: 8-27-08

DEHEN LAW FIRM, P.A.



John P. Dehen #189546
2140 Fourth Ave. N
Anoka, MN 55303
763-323-3449
Attorney for Appellants