



# STATE OF MINNESOTA

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January 12, 2010

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

**Hand Delivered**

Re: *Brayton et al. v. Pawlenty, et al.*  
Ramsey County Court File No. 62-CV-09-11693  
Appellate Court Case No. \_\_\_\_\_

Dear Mr. Grittner:

Enclosed herewith for filing in the above-captioned matter, please find:

1. The original and four copies of Appellants' Motion for Expedited Review in Court of Appeals.
2. An affidavit of service on counsel for Respondents.

Very truly yours,

  
ALAN I. GILBERT  
Solicitor General

(651) 757-1450

Enclosures

cc: Galen Robinson

AG: #2567619-v1

STATE OF MINNESOTA  
IN COURT OF APPEALS

Deanna Brayton, Darlene Bullock,  
Forough Mahabady, Debra Branley,  
Marlene Griffin and Evelyn Bernhagen,  
on behalf of themselves and all others  
similarly situated,

Respondents,

vs.

Tim Pawlenty, Governor of the State  
of Minnesota, Thomas Hanson,  
Commissioner, Minnesota Department  
of Management and Budget, Cal Ludeman,  
Minnesota Department of Human Services,  
and Ward Einess, Commissioner,  
Minnesota Department of Revenue,

Appellants.

**APPELLANTS' MOTION  
FOR EXPEDITED REVIEW  
IN COURT OF APPEALS**

Trial Court Case No. 62-CV-09-11693

Appellate Court Case No. \_\_\_\_\_

Appellants have petitioned for accelerated review of this appeal from the district court's judgment voiding the unallotment of \$5.33 million in funding this biennium for the Minnesota Supplemental Aid-Special Diet program. Appellants hereby request that this Court expedite its review of the appeal if the Supreme Court does not grant accelerated review. Respondents support this motion.

In ordering entry of judgment, the district court stressed that immediate appellate review is "in the public interest" and that an expeditious final appellate decision "will assist the executive and legislative branches in determining their respective authority regarding the State's current budget crisis." Thus, pursuant to its authority under Minn. R. Civ. App. P. 102, the Court should decide this appeal on an expedited basis if the Supreme Court does not grant accelerated review.

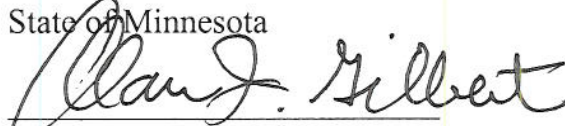
As the district court recognized, time is critical because its decision implicates the validity of other unallotments made by the executive branch to eliminate an approximate \$2.7 billion deficit in the State's budget for the current biennium of July 1, 2009 to June 30, 2011. Moreover, an additional deficit of \$1.2 billion for the biennium was projected in the November 2009 Economic Forecast. The legislative session begins February 4, 2010, and ends by May 17, 2010. The first year of the biennium ends June 30, 2010. Given its magnitude, the deficit in the State's biennial budget becomes increasingly difficult to resolve as time passes and less of the biennium remains.

Accordingly, Appellants respectfully request that the Court set an early date for oral argument and expedite issuance of its opinion if accelerated review is not granted.

Dated: January 12, 2010

Respectfully submitted,

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State of Minnesota



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Dated: January 12, 2010



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