

FILED  
Court Administrator

STATE OF MINNESOTA  
COUNTY OF RAMSEY

JUN 17 2011

By  Deputy

DISTRICT COURT  
SECOND JUDICIAL DISTRICT  
Case Type: Civil

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Court File No.: 62-CV-11-5361

In Re Temporary Funding of Core  
Functions of the Judicial Branch of  
the State of Minnesota

**ORDER**

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The above-entitled matter came on before the undersigned as Chief Judge of the Second Judicial District of the State of Minnesota.

Based upon the files, pleadings, and proceedings herein, the Court recuses itself from the assignment and hearing of the petition involving the judicial branch and requests that Chief Justice Gildea assign a retired judge to handle this action.

DATED:

6-17-11

BY THE COURT:



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Honorable Kathleen Gearin  
Chief Judge, Second Judicial District

## MEMORNADUM

In 2005, the Minnesota Legislature enacted funding for the judicial branch as part of a larger "public safety" appropriation bill. The 2001 funding situation regarding the judicial branch is closer to today's situation. It differed in that some of the funding for the courts was still the responsibility of the local county. At present, the state is responsible for funding all of the functions of the judicial branch of government. I have absented myself from any judicial council discussions and all deliberations involving the issues raised in any "shutdown" lawsuits. I appointed former Chief Judge Thomas Mott to take my place in these discussions and deliberations. Judge Mott and I agreed to create a "firewall" between the two of us on this subject. This was done in order to avoid any appearance of impropriety. Despite that, I believe it would not be proper for a sitting judge to rule on funding issues involving the judicial branch and respectfully submit this to the Chief Justice of the Minnesota Supreme Court for assignment.

A handwritten signature in black ink, appearing to be the initials 'TG' or similar, located at the bottom right of the page.