

FILED  
Court Administrator

JUN 27 2011

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

By:  Deputy

SECOND JUDICIAL DISTRICT

CASE TYPE: CIVIL

In re Temporary Funding of Core Functions  
of the Executive Branch of the State of  
Minnesota

Court File No. 62-CV-11-5203  
Judge Kathleen R. Gearin

**MINNESOTA COMMUNITY  
ACTION PARTNERSHIP'S MOTION  
FOR LEAVE TO PARTICIPATE AS  
*AMICUS CURIAE***

TO: Petitioner Lori Swanson and her attorneys, Attorney General, State of Minnesota, 102 State Capitol, St. Paul, MN 55155-1002; Respondent Mark Dayton and his attorneys, Fredrikson & Byron, 200 South Sixth Street, Suite 4000, Minneapolis, MN 55402; the Minnesota State House of Representatives and its attorneys, Briggs and Morgan, P.A., 80 South Eighth Street, 2200 IDS Center, Minneapolis, MN 55402-2157; and the Eighty-Seventh Minnesota Senate and its attorney, Minnesota Senate Office of Senate Counsel, Research, and Fiscal Analysis, G-17 State Capitol, 75 Rev. Dr. Martin Luther King, Jr. Blvd., St. Paul, MN 55155.

PLEASE TAKE NOTICE that the Minnesota Community Action Partnership (“MinnCAP”) hereby requests leave to participate as *amicus curiae* and submit the accompanying memorandum in the above-captioned matter. MinnCAP seeks to express support for the position of the Minnesota Workforce Council Association (“Minnesota Workforce Council Association”) as set forth in its June 21, 2011 Memorandum and Response with respect to the spending of federal funds appropriated pursuant to the procedures established in Minnesota Statutes, Section 3.3005.

**A. MinnCAP has a Significant Interest in the above-referenced matter.**

MinnCAP is an association of Minnesota’s community action agencies and the largest social service network across that State. The community action agencies receive approximately half of their funding from the federal government. These funds are delivered through the

Minnesota Department of Employment and Economic Development (“DEED”), Department of Human Services (“DHS”), Department of Health, Department of Education, and other State agencies. The State agencies are authorized to spend these funds pursuant to the procedures established in Minnesota Statutes, Section 3.3005. The issue of whether the State agencies are authorized and obligated to continue to disburse federal funds appropriated pursuant to the procedures established in Minnesota Statutes, Section 3.3005 in the event of a State government shut down is vitally important to MinnCAP’s members because they would not be able to continue providing services without access to the pass-through federal funding.

**B. The Court would be Aided by Participation of MinnCAP as *Amicus Curiae*.**

MinnCAP’s memorandum addresses the expenditure of previously appropriated federal funds in the event of a State government shutdown in addition to the specific funds addressed in MWCA’s Memorandum and Response. The precise legal issues addressed by MinnCAP were not raised by any party other than potential-intervenor MWCA.<sup>1</sup> The participation of MinnCAP will further assist the Court in consideration and resolution of this issue.

**C. The Participation of MinnCAP as *Amicus Curiae* will not Prejudice Petitioner, Respondents, or Any Interested Person and will not Delay Disposition of this Case.**

The matter addressed in MinnCAP’s Memorandum is not prejudicial to Petitioner, Respondents, or any other interested person and the Court’s consideration of this matter will not delay the disposition of this case. MinnCAP seeks participate in this matter to express its support of the position taken by the MWCA and to ensure that any order disposing of the Petition will ensure that pass-through federal funds will continue to be available in the event of a State government shut down. This issue was addressed in MWCA’s written submissions and by

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<sup>1</sup> The Court took MWCA’s motion to intervene under advisement at the June 23, 2011 hearing in this matter.

its counsel at the June 23, 2011 hearing. MinnCAP's participation will not delay disposition of this matter.

Date: June 27, 2011

**LOCKRIDGE GRINDAL NAUEN P.L.L.P.**

By: 

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**ATTORNEYS FOR *AMICUS CURIAE*  
MINNESOTA COMMUNITY ACTION  
PARTNERSHIP**

The undersigned hereby acknowledges that sanctions may be imposed pursuant to Minnesota Statutes Section 549.211.

  
David J. Zoll