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STATE OF MINNESOTA IN SUPREME COURT A11-1107



State Senator Warren Limmer, et al.,

Petitioners,

VS.

Lori Swanson in her official capacity as Attorney General, et al.,

Respondents.

ORDER

On June 20, 2011, State Senators Warren Limmer, Scott J. Newman, Sean R. Nienow, and Roger C. Chamberlain filed a petition for a writ of quo warranto in this court against the Attorney General, the Governor, the Commissioner of the Department of Management and Budget (Commissioner), and the Chief Judge of Ramsey County District Court. Petitioners challenge the authority of the Ramsey County District Court to order expenditures from the state treasury in the absence of a legislative appropriation, as requested by the Attorney General in *In Re Temporary Funding of Core Functions of the Executive Branch of the State of Minnesota*, No. 62-CV-11-5203 (Ramsey County District Court). Petitioners also challenge the authority of the district court to order mediation between the Governor and the Legislature concerning the budget, as requested by the Governor in the same Ramsey County case. A hearing is scheduled on those requests in Ramsey County District Court on June 23 at 10:30 a.m., before Chief Judge

Kathleen Gearin, a respondent in the quo warranto matter before this court. On June 20,

2011, the Attorney General filed a motion to dismiss the quo warranto petition, and on

June 22, 2011, the Governor filed a response joining in that motion. On June 22, 2011,

petitioners filed a response in opposition to the motion.

We conclude based on the record before us that the petition does not satisfy the

standards we have established for the exercise of our original jurisdiction over a petition

for a writ of quo warranto. See Rice v. Connolly, 488 N.W.2d 241, 244 (Minn. 1992)

("While this court retains its original jurisdiction pursuant to Minn. Stat. § 480.04 (1990),

we today signal our future intention to exercise that discretion in only the most exigent of

circumstances."). Accordingly, we dismiss the petition without prejudice.

Based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED that the petition for a writ of quo warranto be, and the

same is, dismissed without prejudice.

IT IS FURTHER ORDERED that the motion of Aging Services of Minnesota and

Care Providers, Inc., for leave to file a brief as amici curiae be, and the same is, denied as

moot.

Dated: June 22, 2011

BY THE COURT:

Alan C. Page

Associate Justice

GILDEA, C.J., took no part in the consideration or decision of this matter.

2