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Minnesota State Government Shutdown, 2005

Writ of Quo Warranto Case

After the conclusion of the 2005 temporary funding litigation, several legislators (acting in their individual capacities) commenced litigation seeking a writ of quo warranto to challenge the constitutionality of expenditures made under the temporary funding court order.

The quo warranto litigation was commenced in the Minnesota Supreme Court, which dismissed the petition without prejudice. Read the [Order](#) from September 9, 2005. Instead, the high court said the case should originate in a district court.

The individual legislators then filed an amended [Petition for a Writ of Quo Warranto](#) in Ramsey County District Court on September 28, 2005. In the [Order and Memorandum](#) issued by the Court on March 3, 2006, the petition for a writ of quo warranto was denied.

The individual legislators appealed the District Court's dismissal of the petition to the Minnesota Court of Appeals. See the [Brief of Appelants/Individual Legislators](#) filed on July 25, 2006.

The [Respondents Brief](#) was filed on August 28, 2006.

The Senate passed a [resolution](#) authorizing the Office of Senate Counsel, Research and Fiscal Analysis to file an amicus brief with the Court of Appeals on behalf of the Senate supporting the individual legislators. The [Brief of Amicus Curiae](#) was submitted by Senate Counsel Peter Wattson on August 1, 2006.

The Court of Appeals affirmed the District Court's denial of the petition in its [Opinion](#) of May 22, 2007.

The chronology of this litigation is also described on pages 15-16 of the treatise by Peter Wattson, [The Power of the Purse](#).

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