

FILED

June 30, 2021

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

A21-0243

A21-0546

Peter S. Wattson, Joseph Mansky, Nancy
B. Greenwood, Mary E. Kupper, Douglas
W. Backstrom and James E. Hougas III,
individually and on behalf of all citizens
and voting residents of Minnesota similarly
situated,

Petitioners,

and

Frank Sachs; Dagny Heimisdottir;
Michael Arulfo; Tanwi Prigge; Jennifer
Guertin; Garrison O'Keith McMurtrey;
Mara Lee Glubka; Jeffrey Strand; Danielle
Main; and Wayne Grimmer,

Petitioners,

Steve Simon, Secretary of State of
Minnesota; and Kendra Olson, Carver
County Elections and Licensing Manager,
individually and on behalf of all Minnesota
county chief election officers,

Respondents.

**INTERVENOR-PLAINTIFFS'
RESPONSE TO MOTION TO JOIN
ADDITIONAL PARTY AND AMEND
COMPLAINT**

INTRODUCTION

Intervenor-Plaintiffs Paul Anderson, Ida Lano, Chuck Brusven, Karen Lane, Joel
Hineman, Carol Wegner, and Daniel Schonhardt (“Anderson Intervenor-Plaintiffs”)
submit this response to the Motion to Join Additional Party and Amend Complaint filed by

Petitioners Peter S. Wattson, Joseph Mansky, Nancy B. Greenwood, Mary E. Kupper, Douglas W. Backstrom, and James E. Hougas III (“Wattson Plaintiffs”) to address the unusual request to join a membership organization (the League of Women Voters Minnesota (“League”)) as a plaintiff along with individual voter plaintiffs with whom the membership organizations’ interests admittedly align. Because both the League and the Wattson Plaintiffs, through their common legal counsel, state that their interests align, the purpose of and need for their joinder in this action is unclear. Should, however, the Court find value in the participation of the League in this redistricting action, the Anderson Intervenor-Plaintiffs respectfully request that it issue an Order defining the League’s role so as to avoid prejudicing plaintiffs in this action that represent interests different from those common interests represented by the Wattson Plaintiffs and the League.

ARGUMENT

Rules regarding the joinder of parties to an action are intended to encourage judicial economy and “to promote trial convenience through the avoidance of multiple lawsuits, extra expense to the parties, and loss of time to the Court and the parties.” *Anderson v. Francis I. DuPont & Co.*, 291 F. Supp. 705, 711 (D. Minn. 1968); *see also Schau v. Buss*, 295 N.W. 910, 911-12 (Minn. 1940) (recognizing “[t]he obvious public and judicial interest in the complete administration of justice through economy in litigation”). Thus Minn. R. Civ. P. 20.02 authorizes the Court to make any order necessary to mitigate any prejudice or burden caused by the joinder of a party to an action.

Here, the interests of the League and the Wattson Plaintiffs admittedly align as they are represented by the same counsel, seek to join in the same complaint, and identify in

that complaint no diverging interests that they seek to separately represent. *See Nahlovsky Aff., Ex. A.* And while in redistricting cases courts “should open up participation . . . to incorporate more of the diverse interests that have a stake in the outcome” (Note, *Federal Involvement in Redistricting Litigation*, 114 Harv. L. Rev. 878, 900 (Jan. 2001) (emphasis added)), the purpose underlying this liberal approach to intervention does not extend to the participation of non-party individuals and member organizations whose interests align with and are represented by existing parties to a redistricting action. It is therefore unclear what role the League intends to play in this case – namely, whether it seeks to participate (1) as a plaintiff independent from the Wattson Plaintiffs, despite their aligned interests, for which separate and distinct proposals and plans regarding redistricting criteria and legislative and congressional districts will be submitted, or (2) jointly with the Wattson Plaintiffs and as a contributor and signatory to their submissions.

To the extent the League intends the former, permitting it to participate in this role will not further the interests of judicial economy and will prejudice plaintiffs in this action that represent interests different from those represented by the Wattson Plaintiffs and the League, including the Anderson Intervenor-Plaintiffs. On the one hand, it will give the Wattson Plaintiffs and the League two bites at the apple, permitting them to submit different but aligned proposals to the Special Redistricting Panel in the hopes that at least one of their proposals will resonate and carry the day. On the other hand, plaintiffs representing interests different from those of the League and the Wattson Plaintiffs will be prejudiced not only by the disadvantage in the number of submissions to the Special

Redistricting Panel, but also in the time and expense they will be required to incur responding to the Wattson Plaintiffs' and the League's separate but aligned submissions.

Thus, to the extent this Court finds value in the participation of the League, the Anderson Intervenor-Plaintiffs respectfully request that in its Order granting the motion for joinder the Court define the role of the League in this action. And, for the reasons set forth above, the role of the League should be defined in the Order as one of a contributor and signatory to the redistricting positions, plans, and proposals submitted by the Wattson Plaintiffs, and not as a plaintiff for which separate redistricting positions, plans, and proposals may be filed. Specifically, the Anderson Intervenor-Plaintiffs respectfully request that the Court order that the League and the Wattson Plaintiffs are permitted in this action to jointly submit only one set of proposed redistricting criteria, one proposed legislative district map, one proposed congressional district map, one brief in support of each of the foregoing, and joint briefing in response to any plans or proposals submitted by any other party in this case.

CONCLUSION

For the foregoing reasons, the Anderson Intervenor-Plaintiffs respectfully request that the Wattson Plaintiffs and League's motion be granted only pursuant to an Order defining the League's role in the redistricting action as set forth above.

Dated: June 30, 2021

Respectfully submitted,

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