

STATE OF MINNESOTA
IN SUPREME COURT

FILED

November 2, 2020

**OFFICE OF
APPELLATE COURTS**

DONALD J. TRUMP FOR PRESIDENT,
INC., SENATE VICTORY FUND, HOUSE
REPUBLICAN CAMPAIGN COMMITTEE,
RYAN J. BEAM,

Petitioners,

v.

STEVE SIMON, in his official capacity as
Minnesota Secretary of State,

Respondent,

ROBERT LAROSE, TERESA MAPLES,
MARY SANSOM, GARY SEVERSON,
AND MINNESOTA ALLIANCE FOR
RETIRED AMERICANS EDUCATIONAL
FUND,

Intervenors.

Supreme Court No. A20-1362

**PETITIONERS' REQUEST TO VOLUNTARILY WITHDRAW PETITION OR, IN THE
ALTERNATIVE, MOTION TO DISMISS WITHOUT PREJUDICE**

Pursuant to this Court's inherent power to grant equitable relief, *see, e.g., DeLa Rosa v. DeLa Rosa*, 309 N.W.2d 755, 758 (Minn. 1981) (explaining that a court has "inherent power to grant equitable relief" based on the facts and circumstances of the individual case) and the authority provided by Minn. Stat. § 204B.44 to grant "appropriate relief," Donald J. Trump for President, Inc., Senate Victory Fund, House Republican Campaign Committee, and Ryan J. Beam (together, "Petitioners") respectfully request to voluntarily withdraw its Petition or, in the alternative, move to dismiss without prejudice the Petition, based on the following:

1. On October 28, 2020 at 1:58 PM, Petitioners filed the instant action before the Court.

2. At the time of the filing this petition on October 28th, *Carson v. Simon*, Case No. 20-3139 in the United States Court of Appeals for the Eighth Circuit had been argued but not yet ruled upon by the court.
3. In the morning on October 29, 2020, this Court ordered the parties to submit supplemental briefs on the narrow issue of laches.
4. In the afternoon on October 29, 2020, the Eighth Circuit ruled in *Carson v. Simon* and remanded the matter to district court to order the Minnesota Secretary of State to segregate all late-arriving mail-in ballots.
5. On October 30, 2020, the district court entered the injunction.
6. In the afternoon on October 30, 2020, Petitioners' submitted their Supplemental Informal Memorandum on the issue of laches and requested the Court to hold this action in abeyance in light of the *Carson* injunction for segregation.
7. In the evening on October 30, 2020, the Secretary issued guidance to county election officials ordering segregation in accordance with *Carson*.
8. The relief sought here has been implemented¹ and this Court need not do anything further.
9. Based on the foregoing and without adopting any of the arguments set forth by the Secretary or Intervenors, Petitioners request to voluntarily withdraw its Petition or, in the alternative, move to dismiss without prejudice the Petition.

¹ The Secretary argues that the *Carson* Order applies only to the presidential election. Technically, he is correct. Practically, physical segregation will apply to all late-arriving mail-in ballots as the ballots consist of a single sheet of paper. If the Secretary is suggesting that he can (and will) order election officials to “identify, segregate, and otherwise maintain and preserve all absentee ballots” in a manner to *intentionally* prohibit the ability to remove invalid votes in all elections but the presidential election (something Petitioners can even imagine is practically possible), then this shows even more (not less) need for segregation.

Respectfully submitted,

Dated: November 2, 2020



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