

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JAMES CARSON and ERIC LUCERO,

Case No. 20-CV-2030 (NEB/TNL)

Plaintiff(s),

v.

ORDER ON MOTION TO CERTIFY
QUESTION TO MINNESOTA SUPREME
COURT AND STAY PROCEEDINGS

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

Defendant,

And

ROBERT LAROSE, TERESA MAPLES,
MARY SANSOM, GARY SEVERSON,
and MINNESOTA ALLIANCE FOR
RETIRED AMERICANS EDUCATION
FUND,

Intervenor Defendants.

Intervenor Defendants Robert LaRose, Teresa Maples, Mary Sansom, Gary Severson and Minnesota Alliance for Retired Americans Education Fund (the “Alliance”) ask the Court to certify a question to the Minnesota Supreme Court. (ECF No. 78.) Under Minnesota Law, the Court may certify a question of law to the Minnesota Supreme Court “if the answer may be determinative of an issue” before the Court and “there is no controlling appellate decision, constitutional provision or [Minnesota] statute.” Minn.

Stat. § 480.065. There are currently no motions pending before the Court, and no relief presently sought by any party to the lawsuit. Accordingly, resolution of the question the Alliance seeks to certify is not determinative of any issue before the Court.

CONCLUSION

Based on the foregoing and on all the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT:

1. The Emergency Motion to Certify State Law Question and Stay Proceedings is DENIED WITHOUT PREJUDICE.

Dated: November 5, 2020

BY THE COURT:

s/Nancy E. Brasel

Nancy E. Brasel

United States District Judge