

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

Case Type: Civil Other/Misc.

A.J. Kern, Congressional Candidate,  
Plaintiff,<sup>[1]</sup>

Court File No. 27-CV-22-7391  
(Judge Bridget Sullivan)

vs.

Ilhan Omar and Don Samuels, Congressional  
Candidates, Steve Simon, in his capacity as  
Minnesota Secretary of State,

**DEFENDANT<sup>[1]</sup> STEVE SIMON'S  
NOTICE OF MOTION AND  
MOTION TO DISMISS**

Defendants.

TO: Pro se Plaintiff A.J. Kern, P.O. Box 261, Sartell, Minnesota, 56377.

### **NOTICE OF MOTION**

PLEASE TAKE NOTICE that, at a place and time to be set by the Court, Defendant Minnesota Secretary of State Steve Simon will move the Court for entry of an order as set forth below.

### **MOTION**

Pursuant to Minn. Stat. § 209.065 and Minn. R. Civ. P. 12.02(a), the Secretary respectfully moves the Court for an order dismissing the Complaint as to the Secretary. This motion is in lieu of an answer and is made on the ground that the Court lacks subject-matter jurisdiction over this action and over the Secretary as a defendant. The motion is based on a

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<sup>1</sup> In an election contest under Minn. Stat. ch. 209, the initial pleading is called a notice of contest, and the parties are known as contestants and contestees. Minn. Stat. §§ 209.02 - .03 (2022). Contestant Kern, however, titled her pleading "Civil Complaint" and identified the parties as "Plaintiff" and "Defendants." This motion and supporting documents adopt Kern's usage.

memorandum of law, served and filed herewith, and on all of the files, pleadings, and papers herein.

Dated: May 12, 2022

Respectfully submitted,

KEITH ELLISON  
State of Minnesota  
Attorney General

s/Nathan J. Hartshorn  
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