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6 **UNITED STATES DISTRICT COURT**
 7 **DISTRICT OF ALASKA**

8	JOE MILLER,)	Civil Action No:
9)	
10	<i>Plaintiff,</i>)	_____
11	v.)	
12	LIEUTENANT GOVERNOR CRAIG)	
13	CAMPBELL, in his official capacity;)	
14	and the STATE OF ALASKA,)	
15	DIVISION OF ELECTIONS,)	
16)	
17	<i>Defendants.</i>)	
18	_____)	

17 **PLAINTIFF’S MOTION FOR SHORTENED TIME ON**
 18 **MOTION FOR PRELIMINARY INJUNCTION**

19 Plaintiff Joe Miller, by and through undersigned counsel, hereby moves this Court,
 20 pursuant to D. Ak. LR 7.2(c), for an Order shortening the briefing and argument schedule for
 21 Plaintiff’s Motion for Preliminary Injunction, filed concurrently herewith. Plaintiff Miller is
 22 seeking a Preliminary Injunction to enjoin Defendants from counting write-in ballots in the
 23 2010 general election in a manner that would violate the Elections Clause and Equal Protection

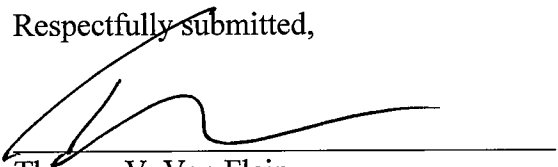
24 Motion for Shortened Time on Motion for Preliminary Injunction
 25 Miller for Senate v. Campbell, et al., Case No.
 26 Page 1 of 3

1 Clause of the U.S. Constitution, *see* U.S. Const., Art. I, § 4, cl. 1; *id.* amend. XIV; the Alaska
2 Election Code, *see* AS § 15.15.360(a)(10), (a)(11), and (b); and Alaska Administrative
3 Procedure Act, *see* AS § 44.62.190-44.62.210. Defendants have announced publicly that they
4 will begin counting write-in ballots on Wednesday, November 10, 2010. *See* Lieutenant
5 Governor Craig E. Campbell, Press Release No. 10-026, *Campbell Issues Statement on Write-*
6 *In Ballot Count* (Nov. 3, 2010).¹ An expedited briefing and argument schedule is necessary to
7 allow these important issues to be resolved before the count begins, to prevent the State from
8 employing illegal or unconstitutional standards. We are asking the court to order the State to
9 hold in abeyance the vote count to start tomorrow at 10:00 a.m., and further order the State to
10 file a response brief by tomorrow at noon. We are available for oral argument and a hearing
11 tomorrow at 3:00 p.m.

12
13 An affidavit of Thomas V. Van Flein is filed herewith in support of this Motion.

14 Dated this 9th day of November, 2010.

15 Respectfully submitted,

16
17 
18 Thomas V. Van Flein
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23
24 ¹ Available at <http://ltgov.alaska.gov/campbell/lieutenant-governor/full-press-release.html?pr=129>.

CERTIFICATE OF SERVICE

1
2 I, Chelsea Greene, hereby certify that, on this 9th day of November, 2010, I did cause a
3 true and correct copy of the foregoing Plaintiff's Motion for Shortened Time on Motion for
4 Preliminary Injunction; Affidavit of Thomas V. Van Flein filed in support thereof, and
5 Proposed Order to be served via hand delivery on:

6
7 Daniel S. Sullivan, Esq.
8 Attorney General, State of Alaska
9 Department of Law
10 1031 W. Fourth Ave.
11 Suite 200
12 Anchorage, Alaska 99501
13 Phone: (907) 745-3900
14 E-mail: Daniel.sullivan@alaska.gov
15 *Counsel for Defendants Lieutenant Governor*
16 *Craig Campbell, and Elections Division.*

17
18 Courtesy Copy to:

19
20 Michael Barnhill
21 Sarah Felix
22 Attorney General's Office
23 P.O. Box 110300
24 Juneau, AK 99811

25
26 Chelsea Greene