

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

State of Minnesota,
by Michael Campion, its
Commissioner of Public Safety,

Civil No. 08-603 (DWF/AJB)

Plaintiff,

v.

ORDER

CMI of Kentucky, Inc., a Kentucky
corporation,

Defendant,

and

Robert J. Bergstrom, Craig A. Zenobian,
Shane M. Steffensen, and Christopher D.
Jacobsen,

Plaintiff-Intervenors.

Emerald A. Gratz, Peter D. Magnuson, and Jeffrey F. Lebowski, Assistant Attorneys
General, Minnesota Attorney General's Office, counsel for Plaintiff.

Charles A. Ramsey, Esq., and Daniel J. Koewler, Esq., Charles A. Ramsey & Associates,
PLLC; and John J. Gores, Esq., Gores Law Office, counsel for Applicants.

David M. Aafedt, Esq., Jessica Slattery Karich, Esq., and William A. McNab, Esq.,
Winthrop & Weinstine, PA, counsel for Defendant.

This matter came before the Court for a status conference on November 25, 2008.

The Court concludes that the hearing currently scheduled for December 12, 2008,

regarding the settlement agreement proposed by the Plaintiff State of Minnesota and Defendant CMI, should be postponed and that the Court should permit amicus briefs to be filed regarding the issues presented by the proposed settlement.

Accordingly, **IT IS HEREBY ORDERED THAT:**

1. The hearing set for December 12, 2008, is taken off the calendar. A hearing will be held in this matter on January 14, 2009 at 1:30 p.m.

2. The following organizations shall be permitted to file amicus briefs expressing their respective positions on the issues presented by the settlement reached between the State of Minnesota and Defendant CMI:

- a. Minnesota Society for Criminal Justice;
- b. Minnesota County Attorney's Association;
- c. Minnesota State District Court Judges Association;
- d. Minnesota DWI Taskforce;
- e. Minnesota Association of Criminal Defense Lawyers;
- f. National Association of Criminal Defense Lawyers; and
- g. National College for DUI Defense, Inc.

3. Any other organization wishing to present a position with respect to the issues in this case must notify the Court by letter to be received no later than December 8, 2008.

4. Any organization appearing as amicus that wishes to be heard at the hearing on January 14, 2009, must file an amicus brief with the Court no later than December 31,

2008. Such parties must also contact the Court by telephone to notify the Court that they intend to appear at the hearing and offer argument. Such parties may contact the Court's calendar clerk, Gina Olsen, by calling (651) 848-1296.

5. The Plaintiff, Defendant and Plaintiff-Intervenors may file reply briefs in response to any amicus brief. Reply briefs shall be filed no later than January 9, 2009.

Dated: November 26, 2008

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court