

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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

File No. 08-CV-603 (DWF/AJB)

Plaintiff,

v.

CMI of Kentucky, Inc.,  
a Kentucky corporation,

Defendant,

and

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

Plaintiff-Intervenors.

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**AMENDED  
NOTICE OF MOTION TO DISMISS  
THE COMPLAINT IN  
INTERVENTION OF PLAINTIFF-  
INTERVENOR CHRISTOPHER D.  
JACOBSEN**

TO: Plaintiff-Intervenor Christopher D. Jacobsen and his attorneys, RAMSAY & ASSOCIATES, Charles A. Ramsay and Daniel J. Koewler, 450 Rosedale Towers, 1700 West Highway 36, Roseville, Minnesota, and GORES LAW OFFICE, John J. Gores, 7091 Highway 65 N.E., Suite 201, Fridley, Minnesota; and Plaintiff State of Minnesota by Michael Campion, its Commissioner of Public Safety, and his attorneys, LORI SWANSON, ATTORNEY GENERAL, Emerald A. Gratz, Assistant Attorney General, 445 Minnesota Street, Ste. 1800, St. Paul, Minnesota.

Please take notice that on **February 20, 2009, at 9:00 a.m.**, in Courtroom 7C, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota, before the Honorable Donovan W. Frank, District Court Judge, Defendant CMI of Kentucky, Inc. will move the Court for an order dismissing the Complaint in Intervention of Plaintiff-Intervenor Christopher D. Jacobsen for failure to

state a claim upon which relief may be granted. Defendant's motion is based upon the file, record, pleadings in the case, arguments of counsel, and the memoranda of law to be filed in the ordinary course.

Respectfully Submitted,

Dated: December 2, 2008

WINTHROP & WEINSTINE, P.A.

s/William A. McNab

David M. Aafedt, MN #27561X

William A. McNab, MN #312071

WINTHROP & WEINSTINE, P.A.

225 South Sixth Street, Ste. 3500

Minneapolis, Minnesota 55402-4629

Tel: (612) 604-6400

Fax: (612) 604-6800

daafedt@winthrop.com

wmcnab@winthrop.com

ATTORNEYS FOR DEFENDANT  
CMI OF KENTUCKY, INC.