

STATE OF MINNESOTA
COUNTY OF KOOCHICHING

DISTRICT COURT
NINTH JUDICIAL DISTRICT

In re Government Shutdown Litigation,

Case Type: Civil
Chief Judge Kathleen Gearin
Court File No. 36-CV-11-471

Whitefish Creek Enterprises, Inc., Erickson
Timber Products, Incorporated, Erickson
Herefords, Inc. and Hasbargen Logging, Inc.

ORDER

Plaintiffs,

v.

Tim Landwehr, in his official capacity as
Commissioner of Minnesota Department of
Natural Resources,

Defendant.

This matter came before the undersigned, on July 12, 2011, pursuant to a motion filed by Defendant Tim Landwehr, the Commissioner of Minnesota Department of Natural Resources (“Commissioner Landwehr”) to Dissolve the June 30, 2011 Temporary Restraining Order issued by Judge Charles LeDuc. Minnesota Supreme Court Chief Justice Lori Gildea appointed the undersigned to hear this case as well as all cases filed in any district court in the State that involve the current government shutdown. Governor Mark Dayton subsequently filed a motion for limited intervention.

Steven Shermoen, Esquire, appeared on behalf of the plaintiffs.

Kristyn Anderson, an Assistant Attorney General, appeared on behalf of Defendant Commissioner Landwehr.


David Lillehaug, Esquire, and Joseph Cassioppi, Esquire, appeared on behalf of Governor Mark Dayton.

Based upon the files, pleadings, and proceedings herein, the Court makes the following Order:

1. The Governor's Motion for Limited Intervention is granted.
2. All provisions of the June 30, 2011 Temporary Restraining Order and the July 1, 2011 Amended Temporary Restraining Order are not continued and therefore vacated immediately upon filing of this Order. No parts of these orders shall remain in effect.
3. The Temporary Injunction hearing will be held on July 18, 2011, at 9:00 a.m. unless it is cancelled by agreement of the parties or a lawful appropriation bill has been enacted into law prior to that date.

DATED: 7-15-11

BY THE COURT:



Honorable Kathleen Gearin
Chief Judge, Second Judicial District