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FILED
Court Administrator

STATE OF MINNESOTA

JUN 22 2011

DISTRICT COURT

RAMSEY COUNTY

By jf Deputy

SECOND JUDICIAL DISTRICT

Case Type: Civil

**In Re Temporary Funding of Core
Functions of the Executive Branch of the
State of Minnesota.**

File No. 62-cv-11-5203
The Honorable Kathleen R. Gearin

**NOTICE OF MOTION AND
MOTION OF CHILD CARE WORKS,
THE MINNESOTA CHILD CARE
ASSOCIATION, THE MINNESOTA
LICENSED FAMILY CHILD CARE
ASSOCIATION, THE MINNEAPOLIS
FOUNDATION, GREATER TWIN
CITIES UNITED WAY, THE
SHELTERING ARMS
FOUNDATION, BLANDIN
FOUNDATION, MINNESOTA
COMMUNITY FOUNDATION, THE
ST. PAUL FOUNDATION, SOCIAL
VENTURE PARTNERS, WOMEN'S
FOUNDATION OF MINNESOTA,
THE JAY AND ROSE PHILLIPS
FAMILY FOUNDATION OF
MINNESOTA, THE MCKNIGHT
FOUNDATION, GROTTO
FOUNDATION, UNITED WAYS OF
GREATER MINNESOTA, FOR
LEAVE TO FILE BRIEF AS *AMICI
CURIAE* IN SUPPORT OF
PETITIONER AND RESPONDENT**

To: See Attached Service List

PLEASE TAKE NOTICE that Child Care Works, The Minnesota Child Care Association, The Minnesota Licensed Family Child Care Association, The Minneapolis Foundation, Greater Twin Cities United Way, The Sheltering Arms Foundation, Blandin

Foundation, Minnesota Community Foundation, The St. Paul Foundation, Social Venture Partners, Women's Foundation of Minnesota, West Central Initiative Fund, The Jay and Rose Phillips Family Foundation of Minnesota, The McKnight Foundation, Grotto Foundation, and the United Ways of Minnesota (collectively, the "Child Care Providers and Supporters") hereby move the Court for an order granting them leave to file a brief as *amicus curiae* in the above-captioned matter, and to participate at the oral argument during the hearing before this Court on June 23, 2011. This motion is made pursuant to the inherent power of the District Court to control its docket. The Child Care Providers and Supporters' proposed *amici curiae* memorandum and supporting affidavits are filed concurrently herewith. This memorandum is filed in support of both Petitioner and Respondent.

MOTION

The Child Care Providers and Supporters *amici* are a coalition of organizations that represent child care providers serving poor children, families receiving child care subsidies in Minnesota, and philanthropic organizations that provide financial support to child care programs serving poor children. They urge the Court to conclude that the state and federal dollars directed by the state to subsidize child care for many of our poorest children provide an essential, core governmental function for thousands of the most vulnerable children of the state and therefore, continuation of such funding is necessary if a state government shutdown occurs.

The Child Care Providers and Supporters believe that their participation as *amici curiae* is proper and will assist the Court for the following reasons:

1. The Child Care Providers and Supporters have a significant interest in this action because they provide services and partial funding for the same programs supported by

state and federal funds flowing through the state; they represent many of the providers serving the state's poorest children; and they are familiar with the burdens that many of these poor, highly vulnerable children and their families confront.

2. The Child Care Providers and Supporters are in a unique position to inform the Court about the adverse effects of stopping child care subsidy payments in the event of a state government shutdown, matters which currently may be unclear and which may have a bearing on the Court's deliberations.

3. The Child Care Providers and Supporters are directly affected by and have a practical understanding of the state and state-administered federal funding sources provided to poor children that are at issue in this matter.

4. The Child Care Providers and Supporters are in a position to provide information, clarify certain ambiguities or misconceptions, and present a perspective that may be useful to the Court as it considers this matter.

5. The Child Care Providers and Supporters' participation is timely, will not prejudice any party or interested person, and will not delay the resolution of this matter.

6. Counsel for amici has contacted counsel for the Governor and Attorney General and received consent to file this motion.

For these reasons, the Child Care Providers and Supporters respectfully request that the Court grant them leave to file the accompanying memorandum and supporting affidavits as *amici curiae*.

Respectfully submitted,

Dated: June 22, 2011

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Minnesota, The McKnight Foundation,
Grotto Foundation, and the United Ways of
Greater Minnesota**

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