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Court Administrator

JUN 23 2011

By [Signature] Deputy

STATE OF MINNESOTA
COUNTY OF RAMSEY

11-9479
DISTRICT COURT
SECOND JUDICIAL DISTRICT

Case Type: Other

In re Temporary Funding of Core
Functions of the Executive Branch
of the State of Minnesota

Court File No.: 62-CV-11--5203
Judge Kathleen R. Gearin

**NOTICE OF INTERVENTION BY
SEIU LOCAL 284 KIDS FIRST MN,
SHARON BORN, TERRY BICKNELL,
AND REBECCA HALL**

TO: Minnesota Attorney General Lori Swanson, Solicitor General Al Gilbert, and Assistant Attorneys General Krystyn Anderson and Jason Pleggenkuhle, 102 Capitol, 75 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155 and

Governor Mark Dayton and his special counsel, David L. Lillehaug and Joseph J. Cassioppi, Esqs., Fredrikson & Byron, P.A. 200 South Sixth Street, Suite 4000, Minneapolis, MN 55402.

PLEASE TAKE NOTICE that SEIU Local 284 Kids First MN, Sharon Born, Terry Bicknell, and Rebecca Hall seek to intervene in this matter as Petitioners/Intervenors pursuant to Minn. R. Civ. P. 24.01 and 24.02.

Rule 24.01 authorizes SEIU Local 284 Kids First MN, Sharon Born, Terry Bicknell, and Rebecca Hall to intervene as of right due to their interest in the temporary funding of core functions -- in particular, the provision of childcare for vulnerable families through the Child Care Assistance Program (CCAP). Sharon Born, Terry Bicknell, Rebecca Hall, and other childcare providers members of SEIU Local 284 Kids First MN receive CCAP funds -- which are a combination of Federal and State monies -- to provide essential childcare services to families across Minnesota. Without funding from CCAP, Sharon Born, Terry Bicknell, Rebecca Hall, and other members of SEIU Local 284 Kids First MN will likely have to close their childcare facilities. Closure of those childcare facilities will mean that the parents of the children now

receiving care will probably either quit their jobs and risk becoming homeless or leave their children alone or in unsafe environments so the parents can work. In short, the disposition of the above-captioned matter – absent intervention – may impair the ability of SEIU Local 284 Kids First MN, Sharon Born, Terry Bicknell, and Rebecca Hall to protect their interests. See, e.g., Halverson ex rel. Halverson v. Tafin, 617 N.W.2d 448 (Minn. Ct. App. 2000) (permitting intervention under Rule 24.01).

SEIU Local 284 Kids First MN, Sharon Born, Terry Bicknell, and Rebecca Hall should also be allowed to intervene, pursuant to Rule 24.02, because their claims present both questions of law and of fact common to the claims of Minnesota Attorney General Lori Swanson and Governor Mark Dayton. See, e.g., Snyder’s Drug St., Inc. v. Minnesota St. Bd. of Pharm., 221 N.W.2d 162 (Minn. 1974) (allowing intervention under Rule 24.02). In addition, the proposed intervention will not unduly delay or prejudice the adjudication of the existing parties’ rights. Moreover, the Minnesota Attorney General does not object to the requested intervention and, indeed, her Petition in the above-captioned matter notes that the childcare services at issue here were designated as a core function in connection with the government shutdown in 2005.

Absent objection by an existing party within 30 days after service of this Notice of Intervention, the intervention by SEIU Local 284 Kids First MN, Sharon Born, Terry Bicknell, and Rebecca Hall will be deemed accomplished under Minn. R. Civ. P. 24.03. In the event of a timely objection, SEIU Local 284 Kids First MN, Sharon Born, Terry Bicknell, and Rebecca Hall will move the Court for leave to intervene in this action and to assert claims and arguments outlined in the Proposed Petition. Pursuant to Rule 24.03, SEIU Local 284 Kids First MN, Sharon Born, Terry Bicknell, and Rebecca Hall have filed and served their Proposed Petition with their Notice of Intervention.

Dated: June 22, 2011

MILLER O'BRIEN CUMMINS, PLLP

A handwritten signature in blue ink, appearing to read 'Justin D. Cummins', is written over a horizontal line.

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**ATTORNEYS FOR INTERVENORS/
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