

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF ST. LOUIS

SIXTH JUDICIAL DISTRICT

Harry R. Welty, Laurence J. Burda,
Dean Davidson, Robert D. Sershon,
and Art Johnston,

Court File No. 69DU-CV-09-758

Plaintiffs,

**NOTICE OF MOTION
AND MOTION FOR
SURETY BOND**

vs.

Independent School District #709
and Johnson Controls, Inc.,

Defendants.

TO: Plaintiffs and their attorney of record, Craig S. Hunter, Northland Law, 11 E. Superior Street, Suite 328, Duluth, MN 55802 and Johnson Controls, Inc. and its attorneys, Greg S. Gilbert, Holland & Hart, Hughes Center, 3800 Howard Hughes Pkwy, 10th Floor, Las Vegas, NV 89169 and Steven Lindemann, Leonard Street and Deinard, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402.

PLEASE TAKE NOTICE that on May 22, 2009, at 9:00 A.M., before the Honorable Eric Hylden, Judge of District Court, at St. Louis County Courthouse, 100 North Fifth Avenue West, Duluth, MN, Defendant Independent School District #709 will MOVE THE COURT for an order directing the Plaintiffs to obtain and file a surety bond, pursuant to Minnesota Statute 562.02, in order to protect the interests of the public and the taxpayers of ISD #709.

This motion is based on the pleadings, the memorandum of law, affidavits, arguments, and all other evidence offered into the record.

Respectfully submitted,

Dated: May 12, 2009

KENNEDY & GRAVEN, CHARTERED

By



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