

November 11, 2005

Carol A. Overland
OVERLAND LAW OFFICE
402 Washington St. So.
Northfield, MN 55057

Re: Rice County Land Use Accountability, Inc. v. Rice County

Dear Ms. Overland:

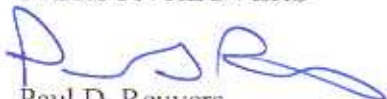
The County has provided me with a copy of the (partial) Complaint you served this week. The allegations in the Complaint, which appear identical to the previously dismissed action, are frivolous, vexatious, and a sham and served only to harass the County. Judge Borene previously cautioned you about the nature of the relief you have requested. Under the circumstances, please be advised that we will be seeking sanctions jointly against you and your client if you persist in this matter.

Accordingly, enclosed and served upon you please find a Motion for Sanctions pursuant to Rule 11 of the Minnesota Rules of Civil Procedure and Minnesota Statute § 549.211. The purpose of this Motion is to provide you a safe harbor period of twenty-one (21) days in which to withdraw your Complaint and dismiss your claims in their entirety. This Motion will be filed with the Court and brought on for hearing if, after the 21 day safe harbor period of time has passed, you have not withdrawn and dismissed your Complaint in the above-entitled matter.

Please let me know if you intend to proceed.

Best regards,

IVERSON REUVERS



Paul D. Reuvers
PDR:bh
Enclosure

JON K. IVERSON
PAUL D. REUVERS
JEFF M. ZALASKY
JASON J. KUBOUSHEK
MARK S. BROWN
PAMELA J.F. WHITMORE
JASON M. HIVELEY
SUSAN M. TINDAL
JEFFREY A. EGGE

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RICE

THIRD JUDICIAL DISTRICT

State of Minnesota, by Rice County
Land Use Accountability, Inc.,

Court File No. _____

Plaintiff,

**DEFENDANTS' MOTION
FOR SANCTIONS**

vs.

Rice County, a political subdivision
of the State of Minnesota, and the
Rice County Board of Commissioners,

Defendants.

TO: Plaintiff above named and its counsel of record, Carol A. Overland, Overland Law
Office, 402 Washington Street South, Northfield, MN, 55057:

MOTION FOR SANCTIONS

Defendants move for sanctions pursuant to Rule 11 of the Minnesota Rules of Civil Procedure and Minnesota Statute § 549.211. Plaintiff has served a new Complaint which is identical to Plaintiff's previous Complaint dated June 10, 2005 and assigned Court File Number C8-05-1032 which the Honorable Judge Bernard E. Borene dismissed by Order dated October 24, 2005. Plaintiff's Complaint is comprised solely of frivolous claims lacking any basis in law or fact and presented by Plaintiff for the sole purpose of harassing Defendants which has resulted in Defendants needlessly incurring ongoing litigation costs and expenses.

Pursuant to Rule 11.03(a)(1) and Section 549.211, Subdivision 4(a), this Motion will be filed with the Court and brought on for a hearing before a Judge of District Court if Plaintiff does not withdraw and dismiss the Complaint within twenty-one (21) days after service of this Motion.

IVERSON REUVERS

Dated: November 11, 2005

By 

Paul D. Reuvers, #217700

Jeffrey A. Egge, #338771

Attorneys for Defendants
9321 Ensign Avenue South
Bloomington, MN 55438
(952) 548-7200

STATE OF MINNESOTA)

)ss.

AFFIDAVIT OF SERVICE

COUNTY OF HENNEPIN)

Becky Eitreim, City of Savage, County of Scott, State of Minnesota, being duly sworn, says that on November 14, 2005, she served the annexed **DEFENDANTS' MOTION FOR SANCTIONS** on the below listed attorneys for the parties in this action, by mailing to them a copy thereof, enclosed in an envelope, postage prepaid, and by depositing the same in the post office at Bloomington, Minnesota, directed to said attorneys, at their last known addresses:

Carol A. Overland
OVERLAND LAW OFFICE
402 Washington St. So.
Northfield, MN 55057


Becky Eitreim

SUBSCRIBED AND SWORN TO before
me on November 14, 2005.


Notary Public



November 11, 2005

Carol A. Overland
OVERLAND LAW OFFICE
402 Washington St. So.
Northfield, MN 55057

Re: Rice County Land Use Accountability, Inc. v. Rice County

Dear Ms. Overland:

Enclosed herewith and served upon you by U.S. Mail please find Defendants' Notice of Motion and Motion to Dismiss.

Best regards,

IVERSON REUVERS



Paul D. Reuvers
PDR:be

Enclosure

JON K. IVERSON
PAUL D. REUVERS
JEFF M. ZALASKY
JASON J. KUBOUSHEK
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STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RICE

THIRD JUDICIAL DISTRICT

State of Minnesota, by Rice County
Land Use Accountability, Inc.,

Court File No. _____

Plaintiff,

**DEFENDANTS' NOTICE OF MOTION
AND MOTION TO DISMISS**

vs.

Rice County, a political subdivision
of the State of Minnesota, and the
Rice County Board of Commissioners,

Defendants.

TO: Plaintiff above named and its counsel of record, Carol A. Overland, Overland Law
Office, 402 Washington Street South, Northfield, MN, 55057:

NOTICE OF MOTION

PLEASE TAKE NOTICE that the undersigned will bring on a motion for hearing at a
date and time to be established by the Court, in the Rice County Courthouse in Faribault,
Minnesota, pursuant to Minnesota Rules of Civil Procedure. Said motion shall be upon all the
files, arguments

MOTION

Defendants move for dismissal of the Complaint on the grounds it fails to state a claim
upon which relief can be granted, pursuant to Minnesota Rule of Civil Procedure 12.02 (e).

IVERSON REUVERS

Dated: November 11, 2005

By 

Paul D. Reuvers, #217700

Jeffrey A. Egge, #338771

Attorneys for Defendants

9321 Ensign Avenue South

Bloomington, MN 55438

(952) 548-7200

STATE OF MINNESOTA)

)ss.

AFFIDAVIT OF SERVICE

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Becky Eitreim, City of Savage, County of Scott, State of Minnesota, being duly sworn, says that on November 14, 2005, she served the annexed **DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS** on the below listed attorneys for the parties in this action, by mailing to them a copy thereof, enclosed in an envelope, postage prepaid, and by depositing the same in the post office at Bloomington, Minnesota, directed to said attorneys, at their last known addresses:

Carol A. Overland
OVERLAND LAW OFFICE
402 Washington St. So.
Northfield, MN 55057


Becky Eitreim

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