

IN THE IOWA DISTRICT COURT FOR MUSCATINE COUNTY

State of Iowa, ex rel. Gary R. Allison as	:	
County Attorney for Muscatine County, Iowa	:	No. EQCV016165
Plaintiff,	:	
	:	
vs.	:	CROSS MOTION FOR SUMMARY
	:	JUDGMENT AND RESISTANCE
Thomas J. Vilsack,	:	TO MOTION FOR SUMMARY
Governor of the State of Iowa,	:	JUDGMENT
Defendant.	:	

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COMES NOW the State of Iowa, by Muscatine County Attorney Gary R. Allison and makes its cross motion for summary judgment and resists defendant’s motion for summary judgment.

There are no undisputed facts in this case. Based upon the requirements of the Iowa Constitution and Iowa Code Chapters 914 and 915 the State of Iowa is entitled to judgment as a matter of law. The State of Iowa therefore makes this cross motion for summary judgment and resists defendant’s motion for summary judgment. The State of Iowa further requests the Court grant equitable relief to remedy the actions of the defendant by ordering all of the following:

1. That Executive Order No. 42 and any subsequently issued monthly executive order as described the Affidavit of Thomas J. Vilsack (hereinafter referred to as “blanket restoration of rights orders”) are void;
2. That the Governor shall not grant restoration of rights for an offender unless that offender has made application as provided in Iowa Code § 914.2;
3. That the Governor shall respond to all recommendations made by the board of parole as provided in Iowa Code § 914.4;

4. That the Governor, in the case of a violent offender, shall provide notice and opportunity for written comment by the registered victim as provided in Iowa Code § 915.19; and

5. That the Governor shall take reasonable steps to remediate the harm done by the issuance of blanket restoration of rights orders by doing all of the following:

a. The Governor shall cause notice to be sent to all county auditors and county clerks of court of the Court's finding that the blanket restoration of rights orders are void and that no person who purported to receive restoration of rights under such an order is a valid elector;

b. The Governor shall send to any offender known to the Governor to be in the class of persons covered by the scope of the blanket restoration of rights orders a copy of the Court's finding that the blanket restoration of rights orders are void and that no person who purported to receive restoration of rights under such an order is a valid elector.

c. To the extent to which the Governor provides a copy of any blanket restoration of rights order, whether by electronic or other means, the Governor shall cause to be contemporaneously provided a copy of the Court's finding that the blanket restoration of rights orders are void and that no person who purported to receive restoration of rights under such an order is a valid elector.

WHEREFORE, the State of Iowa respectfully requests the Court deny defendant's motion for summary judgment and grant plaintiff's cross motion for summary judgment as set forth above.

Gary R. Allison #000000138
Muscatine County Attorney
attorney@co.muscatine.ia.us

Alan R. Ostergren #9745
Assistant Muscatine County Attorney
Muscatine County Courthouse
401 East Third Street, Suite 4
Muscatine, Iowa 52761
(563) 263-0382
(563) 263-4944 (facsimile)
aostergren@co.muscatine.ia.us

Original filed.
Copy to: Julie Pottorff

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record, or the parties if unrepresented, at their respective addresses disclosed on the pleadings.

By: _____ U.S. Mail _____ Fax _____
_____ Courthouse Mail _____ Hand delivered _____
_____ Certified Mail _____ Other _____

Signature: _____
Date: _____