

1 STATE OF MINNESOTA

DISTRICT COURT

2 COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

3 Court File No.:62-CV-20-5502
4 Case Type: Civil/Other/Misc.
Honorable Leonardo Castro

5 Corrine Braun, Susan Satterlee,
6 Wanda Hart,

7 Plaintiffs,

8 vs.

9 Ilhan Omar, Steve Simon,

10 Defendants.

11 **HEARING**

12 **March 26, 2021**

14 The above-entitled matter came duly on
15 for hearing before the Honorable Leonardo Castro,
16 District Court Judge, commencing on the 26th day of
17 March, 2021, in the Ramsey County Courthouse in St.
18 Paul, Second Judicial District, State of Minnesota.

19 **APPEARANCES**

20
21 **Susan Shogren-Smith** appeared.

22 **Jose Jimenez** appeared.

23 **Erick Kardaal** appeared on behalf of Ms. Corrine
Braun.

24 **David Zoll** appeared on behalf of Ilhan Omar.

25 **Nathan Hartshorn** appeared on behalf of Steve
Simon.

* * * * *

1 THE CLERK: All right. Good afternoon,
2 everyone. Calling Page 1, Line 1, case number
3 62-CV-20-5602. Corinne Braun, Susan Satterlee,
4 Wanda Hart, versus Ilhan Omar and Steve Simon.

5 THE COURT: Good afternoon, everyone. My name
6 is Judge Castro. I'm going to be presiding over
7 this matter. This hearing is being conducted via
8 Zoom technology. I just want to remind everyone of
9 that. If you are not speaking, please have your
10 microphone muted. And I'll also remind everyone,
11 although you probably cannot see the court
12 reporter, there is a court reporter taking the
13 record with an audio backup.

14 I'm going to first go through a bit of the
15 procedural posture in this case. This motion was
16 frankly filed by me after having received some
17 information from one of the named plaintiffs in
18 this particular case. Procedurally on December 1st,
19 2020, Ms. Susan Shogren-Smith, the attorney in this
20 matter for the plaintiffs, filed the complaint in
21 Ramsey County, initiating this matter contesting an
22 election against Congresswoman Ilhan Omar. We held
23 a hearing on December 18th, 2020, where this court
24 issued an order granting the contestees' motion to
25 dismiss, and that was with prejudice. The resulting

1 judgment was entered on December 19th, 2020.

2 On January 29th, in accordance with Minnesota
3 law, the judgment was further entered against the
4 three named defendants in this particular case for
5 cause and disbursements in the amount of \$3,873.72.
6 On March 1st, 2021, one of the named contestants,
7 Ms. Corinne Braun, submitted to this court a signed
8 letter, alleging that she had been fraudulently
9 listed as a plaintiff in this particular case
10 without her knowledge and without her permission.
11 Ms. Braun stated that she was not a plaintiff, not
12 a participant, and had absolutely no knowledge of
13 this case. And any of the parties or the attorneys
14 involved, she didn't know them either. At least
15 prior to the court's hearing. Braun asserted that
16 she did not sign any retainer agreement, had never
17 heard of Susan Shogren-Smith and had never been
18 notified in any way about the case filings in this
19 particular case. As a result, Ms. Braun requested
20 that this court on his own initiative remove her
21 from the case and release her from any liability or
22 obligations associated with this case. The court
23 then, after receiving that, issued the order,
24 setting this matter for hearing. That order was
25 issued on March 12th, 2021.

1 Since this matter was set for hearing, the
2 other named plaintiffs obviously were notified by
3 the court, and then on March 24th, 2021, the court
4 did receive a letter from a second named plaintiff,
5 Ms. Wanda Hart, seeking -- or making similar
6 allegations and seeking similar relief. I'll also
7 note that it is my understanding that although the
8 court hasn't received any correspondence from the
9 third-named plaintiff, it is my understanding that
10 Ms. Susan Satterlee is also appearing here today
11 for this hearing.

12 So before we begin, I want to make sure that
13 all the necessary parties are here. First of all,
14 Ms. Susan Shogren-Smith, are you here, ma'am?

15 MS. SHOGREN-SMITH: Yes.

16 THE COURT: All right. And representing the
17 Secretary of State, Mr. Steve Simon, we had the
18 Attorney General's office. I believe it's Mr.
19 Nathan Hartshorn?

20 MR. HARTSHORN: That's correct, Your Honor.
21 I'm here.

22 THE COURT: Thank you. And representing Ms.
23 Ilhan Omar? Who do we have representing the
24 congresswoman?

25 MR. ZOLL: David Zoll of Lockridge Grindal

1 Nauen.

2 THE COURT: And it's Z-O-L-L?

3 MR. ZOLL: Correct, Your Honor.

4 THE COURT: All right. Do we have any other
5 attorneys that are on the call that are
6 representing any of the parties here today?

7 MR. KAARDAL: Yes, Your Honor. Good
8 afternoon. My name is Erick Kaardal, and I'm
9 representing Ms. Braun. I filed my certificate of
10 representation this morning.

11 THE COURT: And that's K-A-A-R-D-A-L, Mr.
12 Kaardal?

13 MR. KAARDAL: Yes, thank you, Your Honor.

14 THE COURT: And that Eric ends in a K, is
15 that correct?

16 MR. KAARDAL: I get asked that a lot.
17 Unfortunately, it's a C-K, Your Honor, so it's not
18 easy.

19 THE COURT: All right, thank you. And I'm
20 sorry, but I don't think the notice of
21 representation has been appearing in MNCIS yet. So
22 thank you for your appearance, Mr. Kaardal. All
23 right. Any other attorneys on the call?

24 MS. JIMENEZ: Yes, Your Honor. This is Jose
25 Jimenez. The name appears as Sandra Jimenez; my

1 apologies. I'm co-counsel with attorney
2 Shogren-Smith.

3 THE COURT: And have you filed anything with
4 this court identifying yourself as counsel in this
5 matter, Mr. Jimenez?

6 MS. JIMENEZ: I did file this morning, just
7 added myself as an attorney on the Tyler Host
8 system, Your Honor. I make myself available for any
9 questions.

10 THE COURT: So Mr. Jimenez, I guess I just
11 need a little clarification. Who are you
12 representing in this particular case?

13 MS. JIMENEZ: Well, I worked with Susan
14 Shogren-Smith on the original Ramsey County case.

15 THE COURT: I appreciate that. That wasn't my
16 question, though. Who are you representing in this
17 case?

18 MS. JIMENEZ: I'm here representing Corinne
19 Braun, Wanda Hart and also Susan Satterlee.

20 THE COURT: And again, I'll ask, have you
21 sought their representation? Have you sought some
22 clarification that -- well, let me just ask them,
23 because they're here.

24 All right. Ms. Braun, are you here today?

25 MS. BRAUN: Yes.

1 THE COURT: And Ms. Braun, does Mr. Jimenez
2 represent you here today?

3 MS. BRAUN: No, he does not.

4 THE COURT: All right. Ms. Satterlee, are you
5 here today? Ms. Satterlee? Are you available?

6 MS. SATTERLEE: Yes, I am. Yes, I am. And he
7 does not represent me.

8 THE COURT: All right. And then I'll ask Ms.
9 Hart. Are you here, as well, ma'am?

10 MS. HART: Yes, Your Honor. I am here, and he
11 does not represent me, either.

12 THE COURT: All right. That seems to be the
13 foundation of the problem in this case. Is that I
14 don't think attorneys -- some attorneys understand
15 when they represent a client and when they don't.
16 You'll certainly have an opportunity to speak, Ms.
17 Shogren-Smith, and I'll give that to you later. But
18 now is not the time.

19 All right. Since it was Ms. Braun who started
20 this matter and notified the court, I guess I'll
21 let Mr. Kaardal begin and state her position for
22 the court. I'm sorry, Mr. Kaardal. Ms.
23 Shogren-Smith? Yes?

24 MS. SHOGREN-SMITH: I submitted a request
25 this morning seeking a continuance based on all of

1 the information that has been submitted. And I
2 would like that to be discussed, I guess, prior --
3 before we move forward, because I think I, at
4 least, am feeling a little bit confused as to the
5 purpose of sort of where this hearing is going. And
6 as to Jose, he actually is with the Minnesota
7 Election Integrity Team, and is connected to the
8 original suits. If nobody represents these
9 plaintiffs, then neither do I, and I think there's
10 a lot of confusion about this matter, and we need
11 to review all these documents that have been now
12 submitted after the deadline. And so I would like
13 the motion to be considered that we postpone it,
14 giving everybody an opportunity to respond to all
15 of these new documents that were submitted.

16 THE COURT: Mr. Kaardal, do you have any
17 response to that, sir?

18 MR. KAARDAL: Well, we want to proceed. I had
19 a discussion with my client, and her interest is
20 just, you know, basically getting off the lawsuit.
21 The Rule 60.02 motion. So we would like to proceed.

22 THE COURT: All right. I haven't had a chance
23 to review your motion, but based on your
24 representations here today, Ms. Shogren-Smith, your
25 motion for a continuance is denied.

1 All right. Mr. Kaardal, you may proceed.

2 MR. KAARDAL: Your Honor, I'm in a bit of an
3 awkward position, because you picked up the Rule
4 60.02 motion and acknowledged that you filed it.
5 Are you expecting testimony today?

6 THE COURT: It depends on, I guess, what your
7 position is and how we proceed. You know, I would
8 say that this is not a position I think I've ever
9 found myself in. So where plaintiffs are coming
10 forward and saying, I'm really not a plaintiff in
11 this case, because I was never asked to be a
12 plaintiff in this case. And I never signed on to be
13 a plaintiff in this case. So while I may not be
14 seeking specific testimony, I'd like to have a
15 better understanding of your client's position. She
16 did submit a series of documents, and I need to
17 have a better understanding if that's still her
18 position and perhaps get some advice from the many
19 lawyers that we have on the screen here today on
20 how we should proceed, especially if all three of
21 these plaintiffs are seeking to be removed as
22 plaintiffs, what exactly do I do with the case?

23 MR. KAARDAL: Well, Your Honor, that's
24 exactly why I took the representation as an officer
25 of the court. I came forward. What I would propose,

1 and everyone else can chime in -- but the point is
2 that, you know, they're here. Let them provide
3 their testimony and then people know, you know,
4 what happened. And our focus is strictly on the
5 60.02 motion that is removing my client off this
6 lawsuit. We don't want to get into the other
7 things, because that's time costs for my client and
8 it raises other issues that are jurisdictional and
9 so forth. So that's our focus. We propose
10 testimony, at least from my client, and that's what
11 I'd like, judge. And I'm glad to hear other
12 people's ideas.

13 THE COURT: Okay. Well, let's just start off
14 with that, so we can move forward.

15 MR. KAARDAL: All right.

16 THE COURT: Let me just swear in Ms. Braun.
17 Ms. Braun, if you would raise your right hand,
18 please.

19 (Whereupon the witness was sworn.)

20 THE COURT: Thank you, ma'am. You can put
21 your hand down and you can proceed, Mr. Kaardal.

22 EXAMINATION

23 BY MR. KAARDAL:

24 Q. Ms. Braun, let's just ask you a few questions and
25 if you could give your best answer. Let's just

1 start with this lawsuit. Did you ever agree to
2 participate in it?

3 A. No.

4 Q. Do you recall -- recall -- do you recall
5 receiving an anonymous request to add your name
6 to a list of disgruntled Minnesota voters?

7 A. Yes.

8 Q. And so what happened after that?

9 A. After that?

10 Q. Yes.

11 A. I filled out the form they requested, and I
12 shared that request with my mailing list. And
13 those certain emails I've submitted as exhibits.
14 I got some questions from people who this
15 Minnesota Election Integrity Team was. And I said
16 I have no idea. Ask the -- Jennifer Carnahan, ask
17 Andy Cilek. Those are both high-profile people
18 involved in these issues. And if you find out
19 anything, let me know. Well, they never let me
20 know and I went on with my life. And that was it.
21 Then I happened to be on the Minnesota court
22 website on February 21st, looking up a completely
23 unrelated matter to try and find out who the
24 attorney was. And I had no success. So I was
25 frustrated, I couldn't find what I was looking

1 for. And I thought, oh, well, I'll look myself
2 up. That will be fun. And to my horror, I saw
3 that I was -- had sued Steve Simon and Ilhan
4 Omar. It's like -- it was a surreal moment for
5 me. It was like the time my car got broken into
6 in my underground garage when I was younger, and
7 you walk out to your car and you see -- I saw
8 three people sitting in my car, stealing my
9 stereo. And you do this double-take, you know.

10 Q. Ma'am, you have to stick to the question now.
11 We're in court. So what year was that? You said
12 it was February 21st. This is really important.
13 What year was it?

14 A. 2021.

15 Q. Okay. And then what did you do after you saw your
16 name listed on MNCIS?

17 A. I saw who the attorney was, I looked her up
18 online, and sent her an email from the email I
19 found online.

20 Q. And then what happened?

21 A. And I asked her if I was the person named in this
22 case or if there was another Corinne Braun that
23 it was. And she called me in response to that
24 email, and had a long conversation with me.
25 Should I talk about that?

1 Q. Well, yeah. What was -- did you ever consent to
2 her representing you in that conversation?

3 A. No. No. The conversation was to confront her to
4 find out if I was the person named in the
5 lawsuit, and then to object to that. I was pretty
6 upset and angry.

7 Q. Then what happened? What happened the next day?
8 Did you receive an email from Mr. Jimenez?

9 A. I received an email from -- well, I'd like to
10 point out what she said to me when I objected to
11 that.

12 Q. Sure, go ahead.

13 A. It's in my testimony. But I said -- or what she
14 said. She said, "I'm just a lawyer. Don't ask me.
15 Talk to Jose Jimenez."

16 Who, of course, I had no idea who he was,
17 and I didn't know why she was telling me to talk
18 to him. And she told me who he was. She said,
19 "He's in charge."

20 And then later on in the conversation, she
21 said, you -- first of all, she went on and on
22 about how -- lots of other topics. I testified to
23 that in a statement. And toward the end of the
24 conversation, said, "You know, you've got to take
25 one for the team."

1 So all of this was nothing I wanted anything
2 to do with.

3 **Q.** All right, so --

4 **A.** Or had agreed to.

5 **Q.** And then you received an email from Mr. Jimenez
6 the next day?

7 **A.** Right.

8 **Q.** And at that point, did you consent to the
9 representation?

10 **A.** No, it was a mass email. It was to a group of
11 people. It wasn't to me directly. And it said,
12 thank you for your participation in this lawsuit,
13 blah, blah, blah, which is the first time I had
14 ever received such an email, of course. And we
15 will take care of your fees. You don't have to
16 worry, was what it said. It was to multiple
17 people, but I couldn't see who they were. It was
18 a blind copy.

19 **Q.** Right. And then you've had other exhibits. But
20 none of those other exhibits either show that you
21 either consented or agreed to participate in a
22 lawsuit, is that correct?

23 **A.** Right.

24 **Q.** So your effort here is to be removed from a
25 lawsuit that you never agreed to participate in,

1 is that correct?

2 A. Right.

3 Q. And that's what you are asking from the court
4 today?

5 A. Yes.

6 Q. Good. And you would like to see the other two
7 parties testify too -- as well, right?

8 A. Yes, I contacted them and told them what was
9 going on. They also had no knowledge of any of
10 this.

11 Q. Okay.

12 MR. KAARDAL: Your Honor -- Your Honor, I
13 pass the witness.

14 THE COURT: All right. Ms. Shogren-Smith, do
15 you have any questions for Ms. Braun?

16 MS. SHOGREN-SMITH: I do, actually.

17 CROSS-EXAMINATION

18 BY MS. SHOGREN-SMITH:

19 Q. So -- so you do remember you received emails from
20 the Minnesota Election Integrity Team back in
21 approximately the end of November?

22 A. I remembered receiving one.

23 Q. Right. And you read that email?

24 A. Right.

25 Q. And you forwarded that email to at least one

1 Listserv or group of people?

2 A. I started my own mailing list, yes.

3 Q. How many people are on your mailing list?

4 A. Upwards of 5,000.

5 Q. So 5,000 people?

6 A. Give or take.

7 Q. 5,000 different people?

8 A. Uh-huh.

9 Q. Okay. So are you fairly politically active, would
10 you say?

11 A. No.

12 Q. Wait --

13 A. I'm not.

14 Q. So you're not politically active?

15 A. I'm not very politically active. The only
16 thing --

17 THE COURT: Ms. Shogren-Smith, I'm going to
18 ask you to keep your line of questioning as to
19 whether or not you were representing Ms. Braun and
20 you represented Ms. Braun in this particular case.
21 Her political activism is of absolutely no concern
22 to this court.

23 BY MS. SHOGREN-SMITH:

24 Q. So you sent -- so you got an email about the
25 elections and the Election Integrity Team and you

1 read it. And you definitely forwarded it to other
2 people. And -- you would agree, right. And the
3 email that is attached and I believe is an
4 exhibit here that talks about the contesting of
5 the elections -- that you forwarded had -- had an
6 affidavit. Now, that email talked about the fact
7 that there would be election contests being
8 filed, correct?

9 A. I'll have to check the exact wording. I don't
10 have it in front of me. Hang on just a minute. It
11 basic -- it asked me if I was a Minnesota voter.
12 I read it carefully and answered and felt that I
13 could honestly answer all the questions, so I
14 did. And I signed it. It was basically -- it was,
15 to me, a statement saying that I believe voter
16 fraud exists. I have seen evidence online that
17 there is voter fraud in Minnesota. And I'm not --
18 no longer confident in our election process.
19 That's what I was signing.

20 Q. The email that you were sent -- the email that
21 you were sent said, "The time has come," right?
22 And it said that anyone who supports the
23 challenge of these elections to stop the fraud
24 in Minnesota and wants to be listed as a voter
25 contesting the elections contractually sign an

1 affidavit for eligible voter. And then it talks
2 about the lawsuits. And then there's this
3 affidavit. And you had to fill in blanks, right?
4 So you had to fill in? So you would have had to
5 add your name to the affidavit? Is that correct?

6 A. Right.

7 Q. And you added in that you -- where you live;
8 Hopkins, Minnesota? You added that in?

9 A. Yes.

10 Q. And you added in that you were born in 1957?

11 A. Yes.

12 Q. And then paragraph 4 said, I am contesting the
13 election candidate below, and it says it's
14 written in, Ilhan Omar. Correct?

15 THE COURT: Is that a yes, Ms. Braun?

16 THE WITNESS: Yes, yes.

17 BY MS. SHOGREN-SMITH:

18 Q. And then paragraph 5 says, that I contest the
19 elections for these following reasons. And you
20 didn't -- you didn't delete any or cross anything
21 out. Correct?

22 A. Well, the way I read that is that it's multiple
23 choice, and if any of them applied, you could
24 sign. And I -- and let's see. I believe there
25 were irregularities. I believe there were

1 irregularities. I believe there was a question --
2 yes, I agreed to all of those, I guess. I believe
3 there are grounds to assert -- yes.

4 **Q.** Okay. Well, then paragraph 6 says, I understand I
5 will be joining with other voters across
6 Minnesota to contest Minnesota election results.

7 **A.** Yes. And I understood that not to mean I was
8 agreeing to be a plaintiff in a lawsuit. I didn't
9 know there even was a lawsuit. To me, that meant
10 the same as going online and signing a petition,
11 saying I believe there's voter fraud. We do it
12 every day. I get petitions that say they go to
13 the White House, that go to whatever. I am one of
14 these disgruntled voters. Add my name to the
15 list. There are now 100, there are now 1,000,
16 there are now 10,000. We are not happy, we
17 believe fraud exists, we would like it
18 investigated. That's what I was attesting to.
19 Nothing more, nothing less.

20 **Q.** So in -- do you -- have you ever before had to
21 sign an affidavit to sign a petition? An actual
22 affidavit?

23 **A.** As a layperson, to me, I -- an affidavit -- it's
24 a term. It doesn't mean anything. I signed my
25 name. I saw that it said I had to sign. When I

1 sign my name, I take it seriously. I signed that,
2 yes, I agree to all this -- the above.

3 **Q.** So do you -- do you understand that in Minnesota,
4 an election contest, it's treated like a lawsuit.
5 But an election --

6 **A.** No, I have no idea about that. No. I have only --
7 I only became involved in politics for the very
8 first time in 2016. I don't know anything about
9 the law. I don't know anything about this type of
10 thing. And I know that President Trump collected
11 huge numbers of affidavits from people who had
12 personally witnessed voter fraud. I'm not one of
13 those people. I did not witness voter fraud. And
14 I did not submit an affidavit to President Trump.
15 And I would not have assumed if I had that it
16 meant I was going to be a plaintiff in a lawsuit.
17 But I didn't. But I thought he was collecting
18 names of people. You're collecting the voices of
19 the community.

20 **Q.** So the email that you were sent that said, "We
21 are planning on filing voter contests -- that
22 we're going to file a voter contest -- that
23 something is going to be filed," that's the
24 email. And, again, in Minnesota -- I just want to
25 be clear for the record that a voter contest is a

1 specific -- it's not -- it's not a typical kind
2 of lawsuit, like a court lawsuit. It's an
3 election contest. That's what it is. It's just --
4 it's almost -- it's semantics. But this is how
5 you challenge an election. How you challenge an
6 election is a voter contest.

7 THE COURT: Ms. Shogren-Smith, do you have a
8 question? Because you should have had this
9 conversation with your client back in November and
10 not now. So do you have a question for Ms. Braun?

11 BY MS. SHOGREN-SMITH:

12 Q. So but you did read this email. You did read the
13 email and you did read the affidavit. And you did
14 sign the affidavit.

15 A. I'm not disputing that, no. I did do that, yes.

16 Q. Okay. And then also in the email -- the email
17 talked about that the Minnesota Election
18 Integrity Team is a group of volunteers, right?
19 That are -- so it's a group of people. There were
20 people that were -- if it wasn't one person, it
21 was all. You read that, right?

22 A. I didn't see that in the email, no. I'm looking
23 at it now and I don't see that. But --

24 Q. It says -- if you keep going down to the bottom
25 of the email?

1 A. Oh, in teeny, tiny italicized print? I guess I
2 see it now, but I didn't notice it before, and so
3 I don't know. Yeah. I don't know -- I mean, who
4 is going to read that little tiny fine print?
5 Whatever. I don't think I did see that. But
6 there's no name on it. I know that.

7 Q. But it's -- it's a team of people.

8 THE COURT: I'm sorry. I'm sorry, Ms.
9 Shogren-Smith. I missed that. That last statement.

10 BY MS. SHOGREN-SMITH:

11 Q. So, again, the email states that it's a team. The
12 Election Integrity Team of people. There were
13 many people that participated. And did you ever
14 contact the Minnesota Election Integrity Team and
15 ask them --

16 A. There was no way to contact them. There was no
17 names attached. There were no names on the
18 website. I did go to the website. You may see, I
19 submitted subsequent exhibits where other people
20 were asking me, who are these people? They wanted
21 to know before they signed anything. I replied to
22 them -- that's in the exhibits -- that I had no
23 idea. If they would find out, let me know.

24 Q. So what you did -- did you send -- you did send
25 several emails to the Minnesota Election

1 Integrity Team?

2 A. I testified to that, as well. When I sent it out
3 on my mailing list, some people signed it and
4 sent it back to me instead of to you, instead of
5 to the email it came from. And I forwarded that
6 on, and I never -- I was a little surprised I
7 never heard a response back. But I was just doing
8 my job. Passing things back -- you know, it came
9 to me by mistake. I forwarded it on to the right
10 party. And I don't know who that -- I didn't know
11 who that party was. It was an anonymous entity.

12 Q. Okay.

13 MS. SHOGREN-SMITH: And I -- for the
14 record, I guess I -- because I think that this --
15 I was under the impression this hearing is
16 primarily addressing what happened in terms of
17 the plaintiffs being added to the lawsuit.

18 THE COURT: Again, I'm having a hard time
19 hearing you, Ms. Shogren-Smith.

20 MS. SHOGREN-SMITH: I am unsure about whether
21 I should -- if we're limiting the scope of this
22 hearing, which I think should be limited to the
23 adding of the plaintiffs to the matters -- to the
24 matters that were before the court. Then I don't
25 know that I need to be questioning Ms. Braun about

1 subsequent issues. Again, I had asked for a
2 continuance to address some of these other issues
3 that have come up. So I just -- I am -- I think
4 there was a question, obviously, of good faith in
5 what was believed to be the understanding of Ms.
6 Braun with her affidavit. And I -- I'm not sure I
7 should continue to ask the questions, because I
8 think the documents that were submitted both
9 yesterday and today, we haven't had time really to
10 review those documents, and so we need to have an
11 additional hearing about that and those matters.
12 Then I guess I would request that we have that. And
13 as well the other parties. Because they weren't a
14 part of the original issue.

15 THE COURT: Hold on, Ms. Braun. Well, I guess
16 we're here on the 60.02 motion. You are correct.
17 But in order to establish whether or not these
18 three plaintiffs are actually plaintiffs in this
19 particular case, we have to engage in this level of
20 questioning. So not exactly sure what you might be
21 referring to; to after the fact or post judgment or
22 post hearing. But my initial concern is whether
23 there was a fraud perpetrated upon this court by
24 adding plaintiffs on to a lawsuit where there is no
25 attorney-client relationship, and that

1 representation clearly being made to the court. In
2 any event, Mr. Kaardal, do you have any redirect of
3 your client?

4 MR. KAARDAL: No, Your Honor.

5 THE COURT: All right. I'm going to try to
6 expedite this matter by addressing the person who
7 actually filed this lawsuit, Ms. Shogren-Smith. And
8 ma'am, these questions would apply to all three
9 plaintiffs. All right?

10 So prior and up to the time of filing this
11 particular lawsuit -- and I'll note for the record
12 that you filed three other lawsuits, and we do
13 already have a plaintiff on one of the other
14 lawsuits whose contacted the court with the exact
15 same concern. But that's not before the court
16 today. So I'm not addressing it. But prior and up
17 to the time of filing the lawsuit, had you and any
18 of these plaintiffs ever discussed filing a lawsuit
19 in their names?

20 MS. SHOGREN-SMITH: So --

21 THE COURT: Do you understand what a
22 discussion means?

23 MS. SHOGREN-SMITH: Yes, Your Honor. I
24 understand what a discussion means.

25 THE COURT: So did you have a discussion with

1 any of these plaintiffs -- a conversation with any
2 of these plaintiffs about filing a lawsuit in their
3 name?

4 MS. SHOGREN-SMITH: So the Minnesota Election
5 Integrity Team --

6 THE COURT: Ma'am, they didn't file this
7 lawsuit. You did. I'm going to ask you again. Did
8 you have a conversation with any of these
9 plaintiffs about filing a lawsuit in their name?

10 MS. SHOGREN-SMITH: I did not have the direct
11 conversations.

12 THE COURT: All right. That was my question.
13 Prior to filing this action, did you consult, and
14 by consult I mean communicate information,
15 reasonably sufficient to permit clients to
16 appreciate the significance of the matter. Did you
17 consult with any of these plaintiffs about the
18 objectives of their representation?

19 MS. SHOGREN-SMITH: Your Honor, I think at
20 this point --

21 THE COURT: That's a yes or no question,
22 ma'am.

23 MS. SHOGREN-SMITH: I'm going to decline to
24 answer and ask that the -- the documents that I
25 have submitted be used. And then I guess -- because

1 I -- I do not -- I do not believe at this point --

2 THE COURT: Ms. Shogren-Smith, you are an
3 officer of this court. Do you understand that? Do
4 you understand what that means?

5 MS. SHOGREN-SMITH: Yes, Your Honor, I do
6 understand what that means.

7 THE COURT: Okay. So I'm going to ask you a
8 question, and you're going to answer the question.
9 Unless you want to be held in contempt. Do you
10 understand what that means?

11 MS. SHOGREN-SMITH: Yes, Your Honor. I do
12 understand what that means.

13 THE COURT: All right. So, again, did you
14 consult with these plaintiffs prior to filing this
15 lawsuit so they could understand the objectives of
16 the representation?

17 MS. SHOGREN-SMITH: I was -- I did not
18 personally consult with them. I was given their
19 affidavits.

20 THE COURT: Okay. Did you ever consult
21 regarding what exactly we're pursuing in this
22 particular lawsuit with any of the plaintiffs?

23 MS. SHOGREN-SMITH: I was not the person who
24 had direct contact with the plaintiffs.

25 THE COURT: Did anybody have direct contact

1 with the plaintiffs that you're aware of who filed
2 a lawsuit?

3 MS. SHOGREN-SMITH: I was the person on the
4 team that filed the lawsuits. I was not the
5 person --

6 THE COURT: And I'm going to remind you again
7 that a team did not file this lawsuit. You filed
8 the lawsuit. So, again, did you consult -- let me
9 just move on to my next point. At any point prior
10 to filing the lawsuit, did you explain to any of
11 these plaintiffs what it meant to contest an
12 election in Minnesota?

13 MS. SHOGREN-SMITH: I --

14 THE COURT: Did you explain to them what you
15 just got done explaining to us a moment ago?

16 MS. SHOGREN-SMITH: I again will say, I was
17 not the attorney or the person who had the direct
18 contact with the plaintiffs.

19 THE COURT: And Ms. Shogren-Smith, I'm going
20 to tell you again. That that was not my question.
21 My question was fairly simple. Did you, Susan
22 Shogren-Smith, discuss that with any of these
23 plaintiffs?

24 MS. SHOGREN-SMITH: I believe you're asking
25 the question --

1 THE COURT: Don't believe -- don't guess at
2 what I'm asking. My question is fairly simple. Did
3 you have a conversation about and explain to them
4 what a contested election in Minnesota was?

5 MS. SHOGREN-SMITH: I believe in good faith
6 that other people had the conversations with the
7 plaintiffs.

8 THE COURT: And that was not my question.
9 Will you please answer my question?

10 MS. SHOGREN-SMITH: I would like to state for
11 the record that I believe these questions are being
12 asked in a way so as to pigeonhole me and
13 misrepresent the situation that was actually
14 occurring at the time.

15 THE COURT: Your objection is noted. Now
16 answer the question.

17 MS. SHOGREN-SMITH: I did not personally have
18 the conversations or share the information with the
19 plaintiffs.

20 THE COURT: All right. Did you explain to any
21 of these plaintiffs what risks might be involved in
22 filing a lawsuit in their name?

23 MS. SHOGREN-SMITH: I was not the person that
24 had those conversations directly with these
25 plaintiffs.

1 THE COURT: Are you aware of someone who did?

2 MS. SHOGREN-SMITH: I believe that -- that
3 there were other people involved who communicated
4 with these plaintiffs and through emails and
5 conversations.

6 THE COURT: Other people -- were those other
7 people attorneys?

8 MS. SHOGREN-SMITH: I believe there were
9 attorneys -- other attorneys involved who were
10 having the direct communications with the
11 plaintiffs.

12 THE COURT: All right. And they told you that
13 they did this. And I'll remind you again that you
14 are an officer of this court, and I do not have to
15 put you under oath for you to answer truthfully to
16 me.

17 MS. SHOGREN-SMITH: I believe -- I absolutely
18 believe that those conversations were happening
19 with the plaintiffs.

20 THE COURT: All right.

21 MS. SHOGREN-SMITH: And that I was filing the
22 lawsuits because one person needed to file the
23 lawsuits and I was the person filing the lawsuits.

24 THE COURT: Okay. And did Ms. Braun ever give
25 you -- you, Susan Shogren-Smith, express consent to

1 sue on her behalf?

2 MS. SHOGREN-SMITH: I believed that I had
3 permission via the Minnesota Election Integrity
4 Team's documentation to file the lawsuit, because
5 an attorney needed to file the lawsuits.

6 THE COURT: Right.

7 MS. SHOGREN-SMITH: So I believed that I had
8 permission based on the communications that I --
9 that were made to me. That I was filing the
10 lawsuits on behalf of people who were willing to be
11 plaintiffs. I was given -- these are the names of
12 the plaintiffs.

13 THE COURT: So Ms. Braun and Ms. Satterlee
14 and Ms. Hart, none of them gave you express
15 consent. Is that fair to say?

16 MS. SHOGREN-SMITH: I believe they gave me --
17 I had the consent through their communications with
18 the Minnesota Election Integrity Team.

19 THE COURT: So the answer to that is no. They
20 did not give you express consent. Do you understand
21 what express consent means? Or do you need me to
22 explain that to you?

23 MS. SHOGREN-SMITH: I believe -- they did not
24 directly say, Susan Smith --

25 THE COURT: I don't care what you believed. I

1 care in what you did. Did you ever get Ms. Braun's
2 phone number or Ms. Satterlee's phone number or Ms.
3 Hart's phone number? Do you know what those are? Do
4 you know what their phone numbers are?

5 MS. SHOGREN-SMITH: Yes, I, of course, know
6 their phone numbers.

7 THE COURT: You, of course, know. Did you
8 know before the lawsuit was filed?

9 MS. SHOGREN-SMITH: Again, I was not --

10 THE COURT: Did you know before the lawsuit
11 was filed? Yes or no?

12 MS. SHOGREN-SMITH: I did not have their
13 phone numbers.

14 THE COURT: Thank you. Did you have their
15 email addresses or -- I'm sorry, their home
16 addresses before the lawsuit was filed?

17 MS. SHOGREN-SMITH: The Minnesota Election
18 Integrity Team --

19 THE COURT: Did you have their home addresses
20 before the lawsuit was filed? Because I'll note for
21 the record, the complaint conveniently does not
22 include their addresses.

23 MS. SHOGREN-SMITH: I again will say that I
24 did not -- I was not the person communicating
25 directly with them. I was not the TAG.

1 THE COURT: Is this the way you typically
2 pick up clients, Ms. Shogren-Smith? Just have
3 somebody else put out email requests and then you
4 just file complaints on their regard without
5 speaking to them directly? Have you ever done this
6 before? Or was your cause greater than your
7 responsibility as a lawyer and as an officer of
8 this court?

9 MS. SHOGREN-SMITH: I don't -- I do not --

10 THE COURT: You don't need to answer that.

11 MS. SHOGREN-SMITH: I actually would like to
12 answer the question. May I answer?

13 THE COURT: Did you provide Ms. Braun or any
14 of the other plaintiffs with information about this
15 December 18th hearing?

16 MS. SHOGREN-SMITH: Again, I was not the
17 person communicating with -- I was not the person
18 at the Minnesota Election Integrity Team
19 communicating with the plaintiffs.

20 THE COURT: All right. So I'll take the
21 answer as no, that you did not. And did you speak
22 to any of the named plaintiffs about the status of
23 the case?

24 MS. SHOGREN-SMITH: I was not the person who
25 was communicating with the plaintiffs. I was not

1 the --

2 THE COURT: When I made my decision on
3 December 18th, did you communicate that decision to
4 any of the plaintiffs -- named plaintiffs in the
5 case?

6 MS. SHOGREN-SMITH: I was not the person at
7 the Election Integrity Team who was responsible for
8 the -- to send the communications out.

9 THE COURT: When the civil judgment was
10 entered against the named plaintiffs in this case,
11 did you contact any of them and inform them that a
12 civil judgment had been entered against them?

13 MS. SHOGREN-SMITH: I was not the person who
14 was -- who was responsible for sending out this
15 communication.

16 THE COURT: And did you personally pay the
17 monetary judgment that was entered in this case?

18 MS. SHOGREN-SMITH: I -- I have -- through --
19 I have paid all of those judgments. But I am not
20 the person who -- I did not entirely pay those
21 myself.

22 THE COURT: And have you yet withdrawn as
23 counsel on behalf of Ms. Braun, who clearly doesn't
24 think you're her lawyer and doesn't want you as her
25 lawyer? Have you withdrawn as counsel in this case?

1 MS. SHOGREN-SMITH: I have done nothing since
2 I spoke with her, because after my conversation
3 with her, which I thought ended not the way she is
4 indicating now. And after receiving the letter from
5 the court, I was -- I thought after what happened
6 here, then we would know how it went. Then we
7 would -- so after I received the letter from the
8 clerk, there was an email from the clerk, and then
9 there was a filing that the judge said we were
10 going to have this hearing. So that I could be
11 questioned about the circumstances. Then at that
12 point, I figured I would know how to proceed after
13 this hearing.

14 THE COURT: All right, Mr. Kaardal, do you
15 have any questions for Ms. Shogren-Smith?

16 MR. KAARDAL: No, Your Honor.

17 THE COURT: I really am not going to go
18 through the other named parties. I'm just going to
19 ask directly if we haven't already done so. Ms.
20 Hart, you've stated that you are not -- you never
21 requested to be a plaintiff on this case. And is it
22 your request, ma'am, that you be removed as a
23 plaintiff from this case?

24 MS. HART: It is, Your Honor.

25 THE COURT: Ms. Satterlee, based on your

1 representation, you never hired or have spoken to
2 Ms. Shogren-Smith. First of all, are you telling
3 the court that you were never consented -- you
4 never consented to be a plaintiff on this case and
5 you would like to be removed as a plaintiff on this
6 case?

7 MS. SATTERLEE: That is correct, Your Honor.

8 THE COURT: All right. Then I guess I'll ask
9 the other lawyers, if I don't have any plaintiffs
10 on a case, what exactly am I supposed to do with
11 the case? Maybe I should just add Ms. Shogren-Smith
12 as the plaintiff on the case and remove the three
13 named plaintiffs. I don't know.

14 Let's start with Mr. Zoll. Do you have any
15 thoughts?

16 MR. ZOLL: Your Honor, respectfully, I -- I
17 don't know if I have a fully formulated thought
18 about how to proceed, except that I don't know that
19 substituting Ms. Shogren-Smith as a plaintiff would
20 be appropriate. Rather, the lawsuit would be a
21 nullity, I think, from the beginning. And what
22 needs to be done to recognize that I haven't fully
23 thought through. But if it wasn't properly
24 initiated -- and noting, of course, this is an
25 election contest, subject to strict timelines in

1 terms of when it may proceed. If there were not
2 petitioners or plaintiffs who were seeking to
3 challenge these elections at the time the contest
4 was filed, I think the matter is a nullity.

5 THE COURT: So does that mean I just destroy
6 the entire record? And I appreciate that we haven't
7 had time to process this fully. But I guess if I am
8 going to remove the plaintiffs, I'm going to have
9 to figure out how that process -- my court
10 administrator will probably have better information
11 for me on what I should do in that regard. All
12 right, Mr. Hartshorn, any thoughts from you, sir?

13 MR. HARTSHORN: Well, I'm in a very similar
14 boat as Mr. Zoll, not having much in the way of
15 fully formed thought. I think the secretary would
16 rather that you not destroy the entire record. I
17 think that the decision that Your Honor issued in
18 December that went to specific issues of law raised
19 by this contest and the other parallel contests,
20 those are important things. The next time we have
21 an election contest, we certainly would like to be
22 able to appoint another court to Your Honor's
23 decision to be helpful to the extent it can be. So
24 the idea of destroying -- destroying that or
25 disturbing the dismissal and the cost judgments

1 that have happened, that makes me uncomfortable.
2 Short of that, as long as the dismissal can be left
3 undisturbed and the cost judgments can be left
4 undisturbed, I think whatever -- whatever
5 resolution the court comes to ought to be fine.

6 MR. ZOLL: And Your Honor, if I may, I could
7 just note the points raised by Mr. Hartshorn
8 resonate with me, as well. That we do have a
9 judgment here in this matter, and there may be some
10 procedural steps needed to clarify the record. But
11 I guess maybe I go back on my statement that the
12 case is a nullity. Because that may have led to the
13 idea of kind of tossing out the whole record of it.
14 But I, at the risk of repeating myself, would echo
15 what Mr. Hartshorn said.

16 THE COURT: Well, and I recognize that the --
17 that the issues are very important issues. On the
18 other hand, if we didn't have plaintiffs, I never
19 would have decided the issues. And my initial -- my
20 prime concern here today is to protect these three
21 plaintiffs that clearly were -- not exactly even
22 sure what word to use -- bamboozled, I guess is the
23 word, into becoming plaintiffs without their
24 permission in a lawsuit. And without any
25 understanding what was being done behind their

1 back, and without their permission. That is clear
2 to me. And that's my number one concern, is to
3 protect them as our taxpayers and our citizens and
4 the people, frankly, who we owe the greater
5 responsibility to. So I can't clearly decide that
6 today. But whatever it is, please know, Ms. Hart,
7 Ms. Satterlee and Ms. Braun, that will be my focus
8 of any decision I make as it relates to the case
9 itself. Be assured, Ms. Braun and Ms. Hart and Ms.
10 Satterlee, that your names will be removed from the
11 case, and any judgment that was entered with your
12 name will be removed. That might be where nullity
13 comes in, although -- although it's already been
14 paid. And, again, I'll note for the record, the
15 convenience of how quickly those judgments were
16 paid after the court filed its 60.02 motion.

17 MS. SHOGREN-SMITH: Excuse me?

18 THE COURT: I'm sorry. We'll just go around
19 the room again, see if anybody has any final
20 thoughts. I'm sorry, Ms. Shogren-Smith, did you
21 have something to say?

22 MS. SHOGREN-SMITH: Yes, I would like to
23 respond to that comment, if possible.

24 THE COURT: Which comment? The bamboozled
25 comment?

1 MS. SHOGREN-SMITH: Well, I mean, of course,
2 I object to that bamboozled comment. However, as to
3 the fees being paid, the fees were going to be paid
4 promptly, and the idea that somehow the implication
5 is that they were only paid because of this
6 matter -- the fees were going to be paid if the
7 decision had been made, you know, the end of
8 January. So I think it is -- it is inappropriate
9 and unfair to assert that somehow these fees would
10 not have been paid. I would just like to note for
11 the record that I think is a -- an unfair
12 castigation. So -- thank you.

13 THE COURT: All right. All right. I'm sorry.
14 Mr. Kaardal, anything else?

15 MR. KAARDAL: Yes. Just briefly. So I agreed
16 to represent Ms. Braun for the purposes of this
17 hearing as an officer of the court to facilitate
18 the proceedings. Our hope is the court's order will
19 alleviate any further responsibility for Ms. Braun
20 to continue in this litigation. I mean, there's
21 lots of interesting things, but this isn't our
22 lawsuit. We don't want to spend any more money.

23 THE COURT: All right. Thank you. And I
24 expect that's true also for Ms. Hart and Ms.
25 Satterlee. I know you're not representing them,

1 sir. But I -- if I could just get a nod from Ms.
2 Hart and Ms. Satterlee, you agree with that, as
3 well?

4 MS. HART: (Nodding in the affirmative.)

5 MS. SATTERLEE: (Nodding in the affirmative.)

6 THE COURT: You just want to be done with
7 this and not have any further obligations as it
8 relates to this. All right, and I'm getting nods,
9 just for the record, in the affirmative. All right.
10 Anything else, Mr. Hartshorn?

11 MR. HARTSHORN: I don't have anything
12 further, Your Honor.

13 THE COURT: All right. Well, I guess based on
14 what I've heard here today, I guess I have no other
15 conclusion to make, but that Ms. Susan
16 Shogren-Smith, in representing -- in filing a
17 lawsuit naming Wanda Hart, Susan Satterlee and
18 Corinne Braun, perpetrated a fraud against this
19 court. And more importantly, perpetrated a fraud
20 against the plaintiffs. And as a result, the court
21 is going to remove their names as named plaintiffs
22 in this case, absolve them of any obligations
23 associated with this case. And under the court's
24 inherent authority, as a result of this finding,
25 the court is going to sanction Ms. Susan Shogren

1 -Smith in the amount of \$10,000. I'll be issuing my
2 order shortly. Thank you, everyone. Have a good
3 weekend. Please be safe.

4 MR. HARTSHORN: Thanks, Your Honor.
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22 REPORTER'S CERTIFICATE
23
24

25 I, Suzanne Hagen, Official Court Reporter,

1 Second Judicial District, County of Ramsey, State
2 of Minnesota, do hereby certify that the
3 foregoing pages of typewritten material
4 constitutes a true and accurate record taken by
5 me of the proceedings at the time and place
6 stated herein.

7
8
9 DATED: March 26, 2021.

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13 -----
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