

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

RECEIVED BY CLERK
SUPREME COURT SEP 14 2012

Steven Zaiser, as Chairman of the)
Sponsoring Committee for the Statutory)
Initiative Relating to the North Dakota)
Medical Marijuana Act,)

Applicant,)

vs.)

Alvin A. Jaeger, as Secretary of State)
of North Dakota,)

Respondent.)

Supreme Court No. _____

FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT

SEP 14 2012

STATE OF NORTH DAKOTA

APPLICATION FOR WRIT OF INJUNCTION UNDER
ORIGINAL JURISDICTION

Pursuant to Article III, §§ 6 and 7 of the North Dakota Constitution, N.D.C.C. § 27-02-04 and N.D.C.C. § 28-31-06, Steven Zaiser, Chairman of the Sponsoring Committee for the Statutory Initiative relating to the North Dakota Medical Marijuana Act requests that the Court exercise its original jurisdiction and issue an order instructing the Secretary of State to place the initiated measure on the November 6, 2012, general election ballot and issue an immediate injunction preventing the Secretary of State from approving or printing any ballots until a ruling from this Court is made. The Chairman further requests expedited review and an expedited hearing date due to the impending deadline of printing the election ballots, which must be accomplished 40 days prior to November 6, 2012.

Dated this 14th day of September, 2012.

PEARCE & DURICK

By 

ZACHARY E. PELMAM, #05904

CHRISTINA A. SAMBOR, ND #06648

314 East Thayer Avenue

P.O. Box 400

Bismarck, ND 58502-0400

(701) 223-2890

Attorneys for Applicant

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

ORIGINAL
20120346

~~STATE OF NORTH DAKOTA~~

~~JUDICIAL DISTRICT~~

~~COUNTY OF~~ _____

~~JUDICIAL DISTRICT~~

STEVEN ZAISER, AS CHAIRMAN of
the SPONSORING COMMITTEE for the
STATUTORY INITIATIVE RELATING to
the NORTH DAKOTA MEDICAL
MARIJUANA ACT,

APPLICANT,

VS.

ALVIN A. JAEGER, as SECRETARY
OF STATE OF NORTH DAKOTA,

RESPONDENT.

AFFIDAVIT OF SERVICE
(PERSONAL)

FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT

SEP 14 2012

STATE OF NORTH DAKOTA)

STATE OF NORTH DAKOTA

) SS.

COUNTY OF BURLEIGH)

HAL W. SIMONS, being first duly sworn upon his oath, deposes and says that he is a citizen of the United States of America and a bona fide resident of the State of North Dakota; that he is over the age of 21 years; not an interested party to this action; and that he is a resident of Bismarck, Burleigh County, North Dakota.

That on the 14th day of September, 2012, at 2:35 p.m. at the North Dakota
Solicitor General's Office, 500 N. 9th Street, Bismarck, N.D.

he served the attached Application For Writ of Injunction Under Original Jurisdiction and
Brief In Support of Application For Writ of Injunction Under Original Jurisdiction (with
See Attached Exhibits)

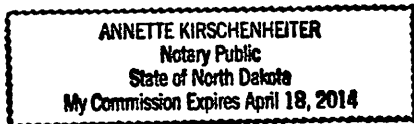
upon North Dakota Secretary of State Alvin A. Jaeger by serving Assistant Attorney General* (See below)
personally, at said place, on said date, by then and there delivering a true and correct copy
of said documents listed above.

* Bill Peterson, Civil Litigation
Division, North Dakota Attorney
General's Office

Hal W. Simons

HAL W. SIMONS

Subscribed and sworn to before me this 14 day of September, 2012



Annette Kirschenheiter
Notary Public

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

~~STATE OF NORTH DAKOTA~~

~~JUDICIAL DISTRICT~~

~~COUNTY OF~~

~~JUDICIAL DISTRICT~~

STEVEN ZAISER, AS CHAIRMAN of)
the SPONSORING COMMITTEE for the)
STATUTORY INITIATIVE RELATING to)
the NORTH DAKOTA MEDICAL)
MARIJUANA ACT,)
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COUNTY OF BURLEIGH)

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That on the 14th day of September, 2012, at 2:45 p.m. at the North Dakota Secretary of State's office, State Capitol Building, Bismarck, N.D. he served the attached Application for Writ of Injunction Under Original Jurisdiction and Brief In Support of Application For Writ of Injunction Under Original Jurisdiction (with six attached exhibits) upon North Dakota Secretary of State Alvin A. Jaeger by leaving Mary Faust * (see below) personally, at said place, on said date, by then and there delivering a true and correct copy of said documents listed above.

* operations manager, North Dakota Secretary of State's office, authorized to accept service on his behalf

Hal W. Simons
HAL W. SIMONS

Subscribed and sworn to before me this 14 day of September, 2012

ANNETTE KIRSCHENHEITER
Notary Public
State of North Dakota
My Commission Expires April 18, 2014

Annette Kirschenheiter
Notary Public