

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF DAKOTA

FIFTH JUDICIAL DISTRICT  
CASE TYPE: 14 Other Civil

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Northern States Power Company, a Minnesota  
corporation, d/b/a Xcel Energy,

Court File No.

Plaintiff,

vs.

**XCEL ENERGY'S NOTICE  
OF MOTION AND MOTION FOR**

**TEMPORARY RESTRAINING ORDER**  
Paul and Shannon Burke; Roger and Ingrid Conant; Stephen A. and Andrea C. McCue;  
Edward and Jacqueline Paster; Michael and  
Melissa Prueher; Michael and Joanne Silverman;  
David and Wendy Smith; Arnulf and Denis  
Svendsen; and Dennis and Jacqueline Turso,

Defendants.

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**TO: Defendants Paul and Shannon Burke; Roger and Ingrid Conant; Stephen A. and Andrea C. McCue; Edward and Jacqueline Paster; Michael and Melissa Prueher; Michael and Joanne Silverman; David and Wendy Smith; Arnulf and Denis Svendsen; and Dennis and Jacqueline Turso, and attorney, Theodore J. Meyer, 2102 U.S. Bank Center, 1010 East Fifth Street, St. Paul, NIN 55101.**

**PLEASE TAKE NOTICE** that at 9:30AM on December 4 , 2003 at the Dakota County Courthouse, Hastings, Minnesota, Plaintiff Northern States Power Company, d/b/a Xcel Energy ( Xcel Energy), will move and hereby moves the Court for a temporary restraining order prohibiting defendants from interfering with Xcel Energy's right of access over Sunfish Lane and defendants' parcels for the purpose of reaching an electrical transmission line traversing defendants' parcels.

Plaintiff seeks a temporary restraining order in the form of the Proposed Order, filed herewith. This Motion is made pursuant to Rule 65.01 of the Minnesota Rules of Civil Procedure and is based upon the Complaint for Declaratory and Injunctive Relief (and exhibits

thereto), Memorandum in Support of Motion for Temporary Restraining Order, argument of counsel, and all the files, affidavits and records herein. The grounds for the Motion are that Plaintiff will suffer immediate and irreparable harm if the Motion is not granted.

Dated: November 18, 2003

**BRIGGS AND MORGAN**

Bv \_\_\_\_\_

Timothy R. Thornton 109630)  
Thomas J. Basting, Jr (#283691)  
Jack Y. Perry (#209272)

2200 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402 (612) 977-8400  
and

**XCEL ENERGY**

Harold J. Bagley U.S.  
Bancorp Center  
800 Nicollet Mall, Suite 2900  
Minneapolis, MN 55402-2023 (612) 215-4586

**ATTORNEYS FOR DEFENDANT**

**ACKNOWLEDGMENT**

The undersigned acknowledges that sanctions may be imposed pursuant- Minn. Stat. § 549.21 1, subd. 3.

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Thomas Basting, Jr. (#283691)