

State ex rel. Peter Stephenson a/k/a  
Peter Rickmyer, Peter Rickmyer,

Court File: 27-cv-11-11012

v.

Tom Roy,<sup>1</sup> *et al*,

**NOTICE OF MOTION AND  
MOTION TO VACATE**

Defendants.

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**PLEASE TAKE NOTICE** that as soon as Plaintiff can be heard (Plaintiff is not seeking a hearing on 1/9/12 on this motion), Plaintiff Peter Rickmyer will bring a motion to vacate the *sua sponte* order of this Court dated December 23, 2011. This motion will be made upon all of the affidavits and argument herein.

Dated: January 9, 2011

**ATTORNEY FOR PLAINTIFF**  
s/jillclark

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Jill Clark, Esq. (#196988)<sup>2</sup>  
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Golden Valley, MN 55427  
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<sup>1</sup> The habeas corpus action was bifurcated and litigated in Anoka County.

<sup>2</sup> to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances: (1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; (2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; (3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.