
IN THE
United States Court of Appeals
FOR THE SIXTH CIRCUIT

LEAGUE OF WOMEN VOTERS OF MICHIGAN;
 ROGER J. BRDAK; FREDERICK C. DURHAL, JR.; JACK E. ELLIS;
 DONNA E. FARRIS; WILLIAM "BILL" J. GRASHA;
 ROSA L. HOLLIDAY; DIANA L. KETOLA; JON "JACK" G. LASALLE;
 RICHARD "DICK" W. LONG; LORENZO RIVERA; RASHIDA H. TLIAB,

Plaintiffs-Appellees,

v.

RUTH JOHNSON,
 in her official capacity as Michigan Secretary of State,

Defendant,

and

JACK BERGMAN; BILL HUIZENGA; JOHN MOOLENAAR;
 FRED UPTON; TIM WALBERG; MIKE BISHOP;
 PAUL MITCHELL; DAVID TROTT,
 Republican Congressional Delegation,

Proposed Intervenors-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF MICHIGAN
 AT DETROIT

OPENING BRIEF OF APPELLANTS

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure and Sixth Circuit Rule 26.1, counsel for Appellants certify that no party to this appeal is a subsidiary or affiliate of a publicly owned corporation and no publicly owned corporation that is not a party to this appeal has a financial interest in the outcome. Appellants are eight individual Republican members of the Michigan congressional delegation.

By: /s/ Jason Torchinsky
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STATEMENT REGARDING ORAL ARGUMENT

Congressional Intervenors-Appellants respectfully request oral argument because, in addition to the briefs and record on file, oral argument would aid in the decisional process. Fed. R. App. P. 34(a).

JURISDICTIONAL STATEMENT

Plaintiffs' Complaint asserts violations of the First and Fourteenth Amendments to the United States Constitution and therefore invokes the district court's federal jurisdiction pursuant to 28 U.S.C. § 1331; 28 U.S.C. §§ 1343(a)(3)-(4); 28 U.S.C. § 1357; 28 U.S.C. § 2284, and 42 U.S.C. § 1983. As this is a challenge to both a congressional and legislative apportionment, a three-judge court was empaneled pursuant to 28 U.S.C. § 2284(a). *See* Fed. R. App. P. 28(a)(4)(A).

This Court has jurisdiction pursuant to 28 U.S.C. § 1291 as this Court has previously determined that it has appellate jurisdiction over a denial of intervention where it prevents a party from intervening in the case. *Michigan State v. Miller*, 103 F.3d 1240, 1244 (6th Cir. 1997). Alternatively, this Court has jurisdiction under the collateral order doctrine. *See, e.g., Purnell v. Akron*, 925 F.2d 941, 944 (6th Cir. 1991);

see also Stringfellow v. Concerned Neighbors in Action, 480 U.S. 370, 377 (1987). The three-judge district court denied Proposed Congressional Intervenors' Motion to Intervene both as of right and permissive intervention, effectively preventing the Congressional Intervenors from entering the case. *See* Order Denying Mot. to Intervene, April 4, 2018, ECF No. 47. This Court therefore has jurisdiction. *See* Fed. R. App. P. 28(a)(4)(B).

Proposed Congressional Intervenors' Motion to Intervene was timely. *See* Order Denying Mot. to Intervene, ECF No. 47 (Page ID# 902). The three-judge district court issued its order on April 4, 2018. *See Id.* Proposed Congressional Intervenors filed a notice of appeal to the U.S. Supreme Court two days later. *See* Notice of Appeal to U.S. Supreme Court, April 6, 2018, ECF No. 48 (Page ID# 905-07). Congressional Intervenors subsequently filed an amended notice of appeal to this Court on April 17, 2018, 13 days after the order denying intervention. *See* Notice of Appeal, April 13, 2018, ECF No. 50 (Page ID# 926-28). The appeal is therefore timely. *See* Fed. R. App. P. 4(a)(1)(A) (notice of appeal must be filed within 30 days of order appealed from); *see also* Fed. R. App. P. 28(a)(4)(C).

Finally, the order denying intervention is either a final judgment and thus appealable under 28 U.S.C. § 1291 or the order falls within the collateral order exception. *See Miller*, 103 F.3d at 1244 (“[W]e have jurisdiction under 28 U.S.C. § 1291 (1994) and the collateral order doctrine.”); *Purnell*, 925 F.2d at 944-45 (“It is fairly well established that *denial* of a motion to intervene as of right, i.e. one based on Rule 24(a)(2), is an appealable order.”). *See Fed. R. App. P. 28(a)(4)(D)*.

STATEMENT OF ISSUES PRESENTED FOR REVIEW

1. Under Fed. R. Civ. P. 24(a)(2), did the three-judge district court commit an error of law when it denied intervention as of right to the Proposed Congressional Intervenor-Defendants—despite ruling that their intervention was timely—where the Plaintiffs challenged constitutionality of the congressional districts that the Proposed Congressional Intervenors Represent?
2. Under Fed. R. Civ. P. 24(b), did the three-judge district court abuse its discretion when it denied permissive intervention to the Proposed Congressional Intervenor-Defendants where the Proposed Intervenors have different interests and perspectives than the current Defendant and where the position of the

Defendant may well diverge from the Proposed Intervenors following upcoming elections, as has recently happened in several redistricting cases?

3. Under *Miller*, 103 F.3d at 1248, did the three-judge district court err when it failed to provide any substantive reasoning or analysis as to why it denied Proposed Congressional Intervenors permissive intervention?

STATEMENT OF THE CASE

League of Women Voters of Michigan, Roger J. Brdak, Frederick C. Durhal, Jr., Jack E. Ellis, Donna E. Farris, William “Bill” J. Grasha, Rasa L. Holliday, Diana L. Ketola, Jon “Jack” G. Lasalle, Richard “Dick” W. Long, Lorenzo Rivera and Rashida H. Tlaib are named Plaintiffs in this action (all aforementioned parties being, collectively, “League of Women Voters” or “Plaintiff-Appellees”).

Ruth Johnson, in her official capacity as the Michigan Secretary of State, is the named Defendant below. The Secretary of State (or “Defendant”) concurred in Congressional Intervenors’ request to intervene in this matter.

Jack Bergman, Bill Huizenga, John Moolenaar, Fred Upton, Tim Walberg, Mike Bishop, Paul Mitchell, and David Trott (collectively “Appellants” or “Congressional Intervenors”), are all Members of Congress representing the State of Michigan and were putative intervenor-defendants below.

On December 22, 2017, the League of Women Voters filed a Complaint seeking declaratory and injunctive relief alleging that the current legislative and congressional apportionment plans are unconstitutional. Complaint for Declaratory and Injunctive Relief, Dec. 22, 2017, ECF No. 1 (Page ID# 1-34). Plaintiffs assert claims under 42 U.S.C. § 1983, 1988 and the First and Fourteenth Amendments to the United States Constitution. Specifically, the League of Women Voters contend that by continuing to implement the Current Apportionment Plans, Defendant Secretary of State has impermissibly discriminated against Plaintiffs as an identifiable political group (likely Democratic voters) in contravention of the Equal Protection Clause of the Fourteenth Amendment, and unreasonably burdened Plaintiffs’ right to express their political views and associate with the political party of their choice in contravention of the First Amendment. League of

Women Voters seek to enjoin the further use of the current district lines in the upcoming Congressional and state legislative elections scheduled for 2020. *See* Pls.' Response to Defs.' Mot. to Stay, Feb 6, 2018, ECF No. 15 (Page ID# 134).

Under established U.S. Supreme Court and Circuit Precedent, Congressional Intervenors filed their Motion to Intervene on February 28, 2018, just over two months after the filing of the complaint.¹ Mot. to Intervene, Feb. 28, 2018, ECF No. 21 (Page ID# 209-223). Congressional Intervenors asserted their significant interests in the litigation and addressed the simple fact that none of the currently named parties adequately represented their interests. *Id.* (Page ID# 219-221). Congressional Intervenors are incumbent Republican members of Congress and stand to be irrevocably harmed by any redrawing of congressional districts. Accordingly, they have a substantial interest in this litigation and the redrawing of the current congressional districting plan should the district court ultimately so order. Moreover, Congressional Intervenors' interests are not adequately and fairly

¹ Appellants subsequently filed an Amended Motion to Intervene on March 7, 2018, in order to be clear that Plaintiffs' position is requesting a remedy before the 2020 and not the 2018 elections. Amended Mot. to Intervene, Mar. 7, 2018, ECF No. 23.

represented by any other existing party to the below action. Permitting Congressional Intervenors' to intervene as defendants in this matter will promote and ensure the presentation of complete and proper evidence and legal arguments and lend finality to the district court's adjudication on the merits.

Congressional Intervenors' Motion to Intervene was denied in a three-page opinion that provided little basis or reasoning for the district court's decision to deny intervention. Order Denying Mot. to Intervene, Apr. 4, 2018, ECF No. 47 (Page ID# 902-04). Congressional Intervenors now bring this appeal to this Court—along with a Motion to Expedite filed on April 25, 2018 to quickly rectify this wrong and allow them to proceed in the below cause.

SUMMARY OF THE ARGUMENT

This Court should reverse the district court's denial of Appellants' motion for intervention because an appeal is properly brought in this Court and Appellants must be granted intervention as of right, or in the alternative, permissive intervention.

Appellants properly appeal the district court's denial of their Intervention as of Right, because it is an appeal from a collateral order.

In this circuit, denial of motions to intervene as of right under Rule 24(a)(2) may be immediately appealed. The fact that this was a denial of a motion to intervene as of right also authorizes this Court, rather than the United States Supreme Court, to hear this appeal. A motion for intervention as of right is in no way a question of interlocutory or permanent injunction as contemplated under 28 U.S.C. § 1253—the statutory authority for direct appellate review by the United States Supreme Court in cases of three-judge district court panels. Accordingly, this appeal is properly brought to this Court.

The district court erred in denying Congressional Intervenors Motion To Intervene because the motion was timely, Congressional Intervenors have a substantial legal interest in the case, their ability to protect that interest is impaired by not being a party to the case, and the current defendants do not adequately represent that interest. Specifically, the motion was timely because it was filed shortly after the Complaint was filed and before the named Defendant had even filed an Answer. Congressional Intervenors have a substantial interest in this litigation because district boundaries affect their relationship with constituents, they will suffer economic harm as a result of altered

district boundaries, and they have an interest in avoiding electoral disadvantage. The disposition of this suit will impair Appellants' interests because it will directly affect their ability to run for re-election in their districts. And, the Defendant—the Secretary of State—does not adequately represent the interests of the Appellants, because the interests of ensuring fair and smooth election administration is divergent from that of representing a particular group of constituents in Congress.

Accordingly, the court below erred in denying Appellants' motion for intervention and Appellants respectfully request this court enter judgment allowing for the immediate intervention as of right in the District Court, or alternatively, permit permissive intervention.

ARGUMENT

I. THIS APPEAL IS PROPERLY BROUGHT IN THIS COURT.

A. Denial of Intervention as of Right Under Rule 24(a) Is an Immediately Reviewable Collateral Order Under Established Circuit Precedent.

The collateral order exception to the final judgment rule found in 28 U.S.C. § 1291 “recognizes that a limited class of prejudgment orders is sufficiently important and sufficiently separate from the underlying

dispute that immediate appeal should be available.” *Stringfellow*, 480 U.S. at 375. There are three elements that must be met for a decision to qualify as a collateral order. *Id.* To be considered collateral a decision must: “(i) conclusively determine the disputed question; (ii) resolve an important issue completely separate from the merits of the action; and (iii) be effectively unreviewable on appeal from a final judgment.” *Id.* (internal quotations omitted).

However, “[i]t is fairly well established that denial of a motion to intervene as of right, i.e. one based on Rule 24(a)(2), is an appealable order.” *Purnell*, 925 F.2d at 944; *see also Neroni v. Hubbard*, 1990 U.S. App. LEXIS 21986 (6th Cir. 1990) (“With respect to denial of intervention, a general rule has arisen that an order denying intervention as of right is appealable if it prevents a putative intervenor from becoming a party in any respect.”) (citing *Stringfellow*, 480 U.S. at 377)). For that reason, “[t]he denial of a motion to intervene under Fed. R. Civ. P. 24(a) is immediately appealable as a collateral matter.” *Midwest Realty Mgmt. v. City of Beavercreek*, 93 Fed. Appx. 782, 784 (6th Cir. 2004) (foregoing any analysis of the individual collateral order factors); *Northrop Grumman Corp. v. TRW, Inc.*, 40 Fed. Appx. 124, 125

(6th Cir. 2002) (“The denial of a motion under Rule 24(a) to intervene as of right may be appealed as a collateral matter.”); *Miller*, 103 F.3d at 1244 (noting jurisdiction under both 28 U.S.C. § 1291 and the collateral order doctrine); *Geier v. Sundquist*, 1996 U.S. App. LEXIS 22376 (6th Cir. 1996) (stating, without analysis, the Courts jurisdiction to review an appeal of a denial of intervention as a collateral order).

The district court’s April 4, 2018 order denied Congressional Intervenors’ intervention as of right and permissively. Order Denying Mot. to Intervene, ECF No. 47 (Page ID# 902-04). This order thereby prevented Congressional Intervenors from becoming parties in *any* respect. *See Stringfellow*, 480 U.S. at 377. Therefore, the district court’s order denying intervention constitutes an appealable order under the collateral order doctrine.

B. An Appeal from a Denial of Intervention from a Three-Judge Panel Is Properly Brought Before this Court and Not the Supreme Court of the United States.

Appeal to this Court would be unquestioned if not for the existence of 28 U.S.C. § 1253. Section 1253 provides:

Except as otherwise provided by law, any party may appeal to the Supreme Court from an order *granting or denying, after notice and hearing, an interlocutory or permanent injunction* in any civil

action, suit or proceeding required by any Act of Congress to be heard and determined by a district court of three judges.

28 U.S.C. § 1253 (emphasis added). At one point in time, the scope of Section 1253 appeared to be an open question. *Compare Lynch v. Household Fin. Corp.*, 405 U.S. 538 (1972), *with Mengelkoch v. Indus. Welfare Comm'n*, 393 U.S. 83 (1968). However, the Supreme Court eventually concluded that only orders “denying interlocutory or permanent injunctive relief . . . where such order rests upon resolution of the merits of the constitutional claim presented below” are directly appealable under Section 1253. *MTM, Inc. v. Baxley*, 420 U.S. 799, 804 (1975). The Supreme Court explained that section 1253 “is to be narrowly construed” because “any loose construction . . . would defeat the purposes of Congress to keep within narrow confines our appellate docket.” *Goldstein v. Cox*, 396 U.S. 471, 478 (1970) (alterations omitted).

This Circuit was confronted by this issue in *Daniel v. Waters*. In *Waters*, plaintiffs appealed an abstention order to the Supreme Court. *Daniel v. Waters*, 515 F.2d 485, 488 (6th Cir. 1975). The Supreme Court ordered the case be remanded to the district court, so an appeal could then be taken to the circuit court. *Id.* The state then appealed to this Circuit. *Id.*

Several circuits have affirmed the continued applicability of *MTM* as binding precedent. In 2007, the Eleventh Circuit held that *MTM* has not been overruled and that a dismissal based on “res judicata is not a resolution on the merits of the constitutional claim” and therefore the Circuit court has “jurisdiction to hear this appeal.” *Gustafson v. Johns*, 213 Fed. Appx. 872, 875 (11th Cir. 2007); *see also Benavidez v. Eu*, 34 F.3d 825, 828-29 (9th Cir. 1994) (holding that *MTM* is still the governing law). In the intervention context, the Fifth Circuit has expressly held *MTM* binding upon motions for intervention. *United States v. Louisiana*, 543 F.2d 1125, 1127-28 (5th Cir. 1976) (“The jurisdiction of this Court is properly invoked to appeal a three-judge court denial of a motion to intervene. *Weiser v. White* is no obstacle to our finding here today. The Supreme Court was explicit in its *MTM, Inc. v. Baxley* directions so a direct appeal from the denial of intervention cannot be taken to the Supreme Court.” (internal citations omitted)). The Supreme Court seemingly affirmed its interpretation of 28 U.S.C. § 1253 in *McCarthy v. Briscoe*, 429 U.S. 1316 (1976), where it found a lack of jurisdiction when the merits of the constitutional claim

were never reached as the district court instead based its decision on laches.

The district court's order denying intervention, no matter its significance to the parties, was not a denial of "an interlocutory or permanent injunction," and therefore is not directly appealable to the Supreme Court under 28 U.S.C. § 1253.

II. PROPOSED CONGRESSIONAL INTERVENORS MUST BE GRANTED INTERVENTION AS OF RIGHT.

A. Standard of Review.

"As a general rule, a person cannot be deprived of his or her legal rights in a proceeding to which such person is neither a party nor summoned to appear in the legal proceeding." *Jansen v. Cincinnati*, 904 F.2d 336, 340 (6th Cir. 1990) (citing *Martin v. Wilks*, 490 U.S. 755 (1989)). Intervention as of right is required when an intervening party "claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest." Fed. R. Civ. P. 24(a)(2). The Court of Appeals for the Sixth Circuit has developed a four-factor test, each of which must be met in order for a

party to be granted intervention as of right. *See Triax Co. v. TRW, Inc.*, 724 F.2d 1224, 1227 (6th Cir. 1984); *see also Grubbs v. Norris*, 870 F.2d 343, 345 (6th Cir. 1989); *Appleton v. FDA*, 310 F. Supp. 2d 194, 196 (D.D.C. 2004).

The four factors for successful intervention, all of which must be met, are: “(1) the application for intervention must be timely; (2) the applicant must have a substantial, legal interest in the subject matter of the pending litigation; (3) the applicant's ability to protect that interest must be impaired; and (4) the present parties do not adequately represent the applicant's interest.” *Grubbs*, 870 F.2d at 345. The rules governing intervention are “construed broadly in favor of the applicants.” *Miller*, 103 F.3d at 1246; *see also United States v. Oregon*, 913 F.2d 576, 587 (9th Cir. 1990), *cert. denied*, *Makah Indian Tribe v. United States*, 501 U.S. 1250 (1991)).

On appeal, while the timeliness element is reviewed for abuse of discretion, the other three factors are reviewed de novo. *Grubbs* 870 F.2d at 345 (relying on *Stringfellow*, 480 U.S. at 381-82, n.1 (Brennan, J., concurring)); *see also Jansen*, 904 F.2d at 340 (citing *County of*

Orange v. Air Cal., 799 F.2d 535, 537 (9th Cir. 1986), *cert. denied*, 480 U.S. 946 (1987)).

B. The Three-Judge Court Did Not Abuse Its Discretion When It Rightly Found That Proposed Congressional Intervenors' Motion to Intervene Was Timely.

In its Order denying Appellants' Motion for Intervention the three-judge panel below correctly found that Congressional Intervenors' motion was timely. Order Denying Mot. to Intervene, ECF No. 47 (Page ID# 902). The timeliness of a motion to intervene is determined by all facts and circumstances. *NAACP v. New York*, 413 U.S. 345, 365 (1973). The following factors should be considered in the facts and circumstances analysis: (1) the stage of the proceeding; (2) the purpose of intervention; (3) the length of time between when the applicants knew or should have known of their interest and moved to intervene; (4) prejudice that any delay may have caused the parties; and (5) the reason for any delay. *Jansen*, 904 F.2d at 340. As previously discussed, the timeliness element of a motion to intervene is reviewed under the abuse of discretion standard of review. *See NAACP v. New York*, 413 U.S. at 365; *Grubbs* 870 F.2d at 345; *Jansen*, 904 F.2d at 340.

In this instance, it can hardly be disputed that Congressional Intervenors' motion was timely. The Complaint was filed on December 22, 2017. Complaint for Declaratory and Injunctive Relief, ECF No. 1 (Page ID# 1-34). Congressional Intervenors filed their Motion to Intervene on February 28, 2018, just over two months after the complaint was filed. Mot. to Intervene, ECF No. 21 (Page ID# 209-223). At the time of filing the Motion to Intervene, the named Defendant had filed a motion to dismiss, but had not yet filed an Answer to the Complaint. Even as of the date of *this* filing, a ruling on the motion to dismiss is outstanding and an Answer has not been filed. In fact, the only question of substance yet resolved—other than the refusal of Congressional Intervenors intervention—is a denial of a motion for stay, which was issued on March 14, 2018. Order Denying Mot. to Stay, Mar. 3, 2018, ECF No. 35 (Page ID# 612-14).

In *Jansen v. Cincinnati*, the proposed intervenors moved to intervene six-months through a twelve-month discovery period. *See Jansen*, 904 F.2d at 340-41. This Circuit found that intervention was timely. *Id.*; *cf. Blount-Hill v. Zelman*, 636 F.3d 278, 285 (6th Cir. 2011) (finding that waiting three years to file a motion to intervene in

conjunction with the district courts: 1) grant of a motion to dismiss in part; 2) completion of a pretrial conference and scheduling order; 3) the parties conducting of substantial discovery; 4) the filing of a third amended complaint; and 5) the filing of a second motion to dismiss collectively counsel against timeliness).

Here, pursuant to the discovery plan filed on March 2, 2018, by the parties below, the only substantive discovery currently in progress is fact discovery and the exchange of a preliminary witness and exhibit list on April 2, 2018. Joint Discovery Plan, Mar. 2, 2018, ECF No. 22 (Page ID# 278). Timeliness is properly calculated from the time intervention was sought. *See Jansen*, 904 F.2d at 340-41. At the time intervention was requested there had been *no* discovery. Joint Discovery Plan, ECF No. 22 (Page ID# 276-285). Even as of this filing, the parties have only been engaged in minimal discovery for approximately 54 days. *See* Joint Discovery Plan, ECF. No. 22 (Page ID# 278-79). Trial is not until late winter or early spring of 2019. In summary, intervention is sought before any substantive orders were issued by the three-judge court, discovery was and remains in its

nascent stages, and the case is approximately ten to twelve months from trial.

Consequently, the League of Women Voters and the Secretary of State will suffer no prejudice as a result of Congressional Intervenors' intervention. To the contrary, permitting Congressional Intervenors to intervene at the time of their application would have allowed them to assert their defenses with no, or very little, delay or disruption to the litigation. Even now, intervention would cause minimal delay. For all these reasons, Congressional Intervenors' motion was timely.

C. The Three-Judge Panel Committed Reversible Error When It Denied Congressional Intervenors' Motion to Intervene Because Proposed Intervenors Have a Substantial Legal Interest.

The second factor in the intervention analysis is whether the “applicant” has a “substantial, legal interest in the subject matter of the pending litigation.” *Grubbs* 870 F.2d at 345. This factor is reviewed *de novo*. *Id.* Appellants' intervention motion was denied because, according to the district court, the congressmen's interests are “not materially distinguishable from the generalized interest shared by all citizens.” Order Denying Mot. to Intervene, ECF No. 47 (Page ID# 903). This is

an incorrect reading of both the facts and the law.² To support this holding, the *only* case law cited by the district court *anywhere in the order* is a case supporting the contention that “[e]lected office does not constitute a property interest.” Order Denying Mot. to Intervene, ECF No. 47 (Page ID# 902). Congressional Intervenors, however, never alleged any such property interest and specifically disclaimed any such interest in their reply brief when describing as cynical the League of Women Voters’ unsupported assertions that Congressional Intervenors claimed a property interest in their districts. Amended Reply in Support of Mot. to Intervene, Mar. 16, 2018, ECF No. 40 (Page ID# 659).

In this Circuit, the bar for intervention as of right is low, as the rules governing intervention are “construed broadly in favor of the applicants.” *Miller*, 103 F.3d at 1246; *see also Oregon*, 913 F.2d at 587, cert. denied, *Makah Indian Tribe*, 501 U.S. 1250. In “opt[ing] for a rather expansive notion of the interest sufficient to invoke intervention as of right,” *Miller*, 103 F.3d at 1246, this Circuit has rejected the notion that an intervenor needs either “the same standing necessary to

² One is left to wonder, based on the district court’s order, how the Plaintiffs have standing given that their interests are, if you take the district court’s reasoning at face value, just as “generalized” as the congressmen. *See Hollingsworth v. Perry*, 570 U.S. 693, 701-02 (2013).

initiate a lawsuit,” *Purnell*, 925 F.2d at 948, or “a specific legal or equitable interest,” *id.*, that would otherwise be sufficient for standing.

Though not required, Congressional Intervenors have three specific legal interests in maintaining their current districts: (1) new congressional boundaries will damage the relationship between constituents and their duly elected congressman; (2) the Congressional Intervenors will suffer economic harm as they spend money for re-election in a district they will no longer represent; and (3) the Appellants have an interest in not having their election chances diminished by the League of Women Voters’ actions. These interests are sufficient enough to satisfy the injury-in-fact analysis under Article III, let alone sufficient enough to require intervention as of right. None of these interests are a mere property interest in congressional districts.

As a threshold matter, intervention is a lower bar to entry than standing under Article III.³ *See Purnell*, 925 F.2d at 948; *see also, e.g., Blount-Hill v. Bd. of Educ.*, 195 Fed. Appx. at 485 (“Notably, an

³ Appellants’ arguments should not be construed or interpreted that they do not have independent standing under Article III. Appellants are simply pointing to the well-settled fact that intervention under Rule 24(a) is less demanding than standing under Article III. *See Purnell*, 925 F.2d at 948; *see also e.g. Blount-Hill v. Bd. of Educ.*, 195 Fed. Appx. 482, 485 (6th Cir. 2006).

intervenor need not have the same standing necessary to initiate a lawsuit in order to intervene in an existing district court suit where the plaintiff has standing.”) (internal quotation marks omitted) (quoting *Providence Baptist Church v. Hillandale Comm.*, 425 F.3d 309, 315 (6th Cir. 2006)); *Liberte Capital Grp. v. Capwill*, 126 Fed. Appx. 214, 218 (6th Cir. 2005); *Grutter v. Bollinger*, 188 F.3d 394, 398-99 (6th Cir. 1999); *Bradley v. Milliken*, 828 F.2d 1186, 1192 (6th Cir. 1987). See *United States v. Bd. of Sch. Comm’rs*, 466 F.2d 573, 577 (7th Cir. 1972) (“The requirements for intervention, moreover, should generally be more liberal than those for standing to bring suit.”) *cert. denied Citizens of Indianapolis for Quality Schs. v. United States*, 410 U.S. 909 (1973). To put it another way, if a party “has constitutional standing, it *a fortiori* has an interest relating to the property or transaction which is the subject of the action.” *Crossroads Grassroots Policy Strategies v. FEC*, 788 F.3d 312, 320 (D.C. Cir. 2015).

An injury need not have already occurred but can instead be contingent upon some future event. *Clinton v. City of New York*, 524 U.S. 417, 430 (1998); *ASARCO v. Kadish*, 490 U.S. 605, 618 (1989) (a threatened injury is sufficient to support standing). Additionally, the

Supreme Court has recently held that an intervenor must have Article III standing to request different relief than the original plaintiffs. *Town of Chester v. Laroe Estates*, 137 S. Ct. 1645 (2017); see also *Arizonans for Official English v. Arizona*, 520 U. S. 43, 65 (1997) (“An intervenor cannot step into the shoes of the original party unless the intervenor independently fulfills the requirements of Article III.” (internal quotations and citations omitted)). The breadth of precedent in this area indicates that many comparisons and parallels can be drawn from standing jurisprudence and applied to interventions under Rule 24(a). The cases interpreting intervention conclusively show that a putative intervenor need not have Article III standing in the first instance, for if it were any other way, the doctrine of standing would swallow the rules for intervention.

1. Congressional Intervenors Have a Substantial Interest in Their Current Congressional Districts.

Congressional Intervenors have a legal interest in maintaining the current districts they represent because any redrawing of the districts will result in damage to the relationship between constituent and representative, economic harm to proposed Congressional

Intervenors, and a reduction in the Congressional Intervenors' re-election chances. The relationship between constituent and representative will be harmed as new congressional boundaries harm constituents, requiring them to seek services from a new representative, which can often result in delay. Constituent services are a significant aspect of a congressman's work. Furthermore, the redrawing of districts will also harm the Appellants by requiring them to cultivate new relationships within new district boundaries.

Furthermore, Congressional Intervenors will have campaigned for four election cycles in these districts, developing strong bonds within the community. Plaintiffs now seek to uproot those bonds. Intervention is appropriate precisely because voters have elected these members of the United States House of Representatives to represent them. The League of Women Voters cannot be allowed to seek an order that breaks this relationship without the Congressional Intervenors' input and an opportunity to offer a vigorous defense. *See Miller*, 100 F.3d at 1247 (granting intervention as of right to Chamber of Commerce in challenge to Michigan campaign finance legislation because even though Chamber

did not have a legal right in the legislation, Chamber was regulated by the legislation).

The second interest Congressional Intervenors have is an economic interest in their current districts, which is significant enough to meet the injury in fact requirements under Article III and therefore certainly significant enough to warrant intervention. *See Democratic Party v. Benkiser*, 459 F.3d 582, 586-588 (5th Cir. 2006) (an injury in fact exists when a candidate's "election prospects and campaign coffers" are threatened.) If the maps are changed, Appellants will be required to expend funds to learn the new congressional boundaries and constituents in pursuit of re-election, after spending time and resources on their current districts. Economic injury is a quintessential form of injury. *Barlow v. Collins*, 397 U.S. 159, 163-64 (1970). Under federal campaign finance rules, contribution limits are not reset if districts are redrawn.

Candidates typically register their campaign committees with the Federal Elections Commission at least a year before a new election. *See, e.g.*, FEC Statement of Candidacy of Tim Walberg (*filed* March 21, 2017); FEC Statement of Candidacy of Bill Huizenga (*filed* March 3,

2017); FEC Statement of Candidacy of John “Jack” Bergman (*filed* March 23, 2018); FEC Statement of Candidacy of John Moolenaar (*filed* May 8, 2017); FEC Statement of Candidacy of Fred Upton (*filed* January 9, 2017); FEC Statement of Candidacy of Mike Bishop (*filed* April 6, 2017); FEC Statement of Candidacy of Paul Mitchell (*filed* June 9, 2017); FEC Statement of Candidacy of David Trott (*filed* December 16, 2016).⁴ By the time this case goes to trial, the Appellants will already have begun re-election efforts in their current districts. Joint Discovery Plan, ECF No. 22 (Page ID# 278-79). The time and expense the congressmen spend in 2018 and 2019 maintaining and expanding contacts in the existing districts can never be recovered. Similarly, constituents will be less likely to donate to a congressman’s campaign when they may no longer have the opportunity to be represented by him. This also has a direct economic impact on the Congressional Intervenor in this case.

In *Benkiser*, the Texas Democratic Party sued the Republican Party of Texas because of an attempt to replace a retiring candidate on the ballot. *Benkiser*, 459 F.3d at 584-85. On appeal, the Republican

⁴For the Court’s ease of reference, the Statements Of Candidacy are attached to the Designations and Addendum to this brief.

Party of Texas argued that the Texas Democratic Party had no standing to sue. *Id.* at 585-86. The United States Court of Appeals for the Fifth Circuit found that the Texas Democratic Party “would suffer an injury in fact because it ‘would need to raise and expend additional funds and resources to prepare a new and different campaign in a short time frame.’” *Benkiser*, 459 F.3d at 587 (citing and quoting *Barlow*, 397 U.S. at 163-64). As previously discussed, standing under Article III is a greater burden than showing a substantial interest under Rule 26(a). *See supra* at 20-23. Congressional Intervenors are in a similar position here, as they will continue to spend time and money engaging and campaigning in districts that will not exist should Plaintiff-Appellees be successful.

The Supreme Court, and a number of Circuit and district courts—including the Eastern District of Michigan—have noted that elected officials have a legal interest in their reelection success, such that a diminishment of those chances is an injury in fact. *See Wittman v. Personhuballah*, 136 S. Ct. 1732 (2016) (evidence of impairment of reelection prospects can constitute an Article III injury for standing purposes); *Meese v. Keene*, 481 U.S. 465, 475 (1987) (supporting the

proposition that an impairment to a party's political career is sufficient injury for the standing analysis); *see also Bay Cnty. Democratic Party v. Land*, 347 F. Supp. 2d 404, 423 (E.D. Mich. 2004) (the diminishment of political power is sufficient for standing purposes); *Smith v. Boyle*, 144 F.3d 1060, 1061-63 (7th Cir. 1998) (Illinois Republican party and chairman had standing to challenge state voting rules that disadvantaged Republican candidates); *Schulz v. Williams*, 44 F.3d 48, 53 (2d Cir. 1994) (Conservative Party official had standing to challenge opposing candidate's position on the ballot); *Owen v. Mulligan*, 640 F.2d 1130, 1132-33 (9th Cir. 1981) (holding that the "potential loss of an election" is an injury in fact sufficient for standing); *Democratic Party of the U.S. v. Nat'l Conservative Political Action Comm.*, 578 F. Supp. 797, 810 (E.D. Pa. 1983) (three-judge panel) (holding that the Democratic Party had standing because the challenged action would "reduce the likelihood of its nominee's victory"), *aff'd in part and rev'd in part on other grounds sub nom. Fed. Election Comm'n v. Nat'l Conservative Political Action Comm.*, 470 U.S. 480, 489-90 (1985).

It simply cannot be the case that an injury is sufficient enough to be an injury in fact yet be *insufficient* enough to meet the "expansive

notion of the interest sufficient to invoke intervention as of right.” *Miller*, 103 F.3d at 1246. And in fact, if a party “has constitutional standing, it *a fortiori* has an interest relating to the property or transaction which is the subject of the action.” *Crossroads Grassroots Policy Strategies*, 788 F.3d at 320.

Despite Congressional Intervenors’ significant interests in their current districts, *see supra* at 23-26, the district court below declared that those interests “are not materially distinguishable from the generalized interest shared by all citizens.” Order Denying Mot. to Intervene, ECF No. 47 (Page ID# 903). The Supreme Court has recently looked at the issue of what constitutes a generalized interest for standing purposes. In *Hollingsworth v. Perry*, the State of California refused to appeal a federal district court’s ruling that the same-sex marriage ban contained in a recently passed ballot measure was unconstitutional. 570 U.S. at 701-702. A group of citizens who supported the law were allowed to intervene in the district court.⁵ *Id.* at 702. The intervenors were in no way directly impacted by the law other

⁵ Even though for Article III standing purposes the *Hollingsworth* intervenors were lacking, their place as intervenors was never questioned by the Court.

than their desire to see it enforced. *Id.* at 706. They alone sought appeal before the Supreme Court. *Id.* at 705. When finding that the intervenors lacked standing, the Supreme Court stated, as it has stated before, that “a litigant must seek relief for an injury that affects him in a personal and individual way. *Id.* He must possess a direct stake in the outcome of the case.” *Id.* A feature of this analysis is that the “District Court had not ordered [intervenors] to do or refrain from doing anything.” *Id.*

Additionally, assuming *arguendo*, that Plaintiffs have standing to maintain a lawsuit challenging Congressional districts because they reside in them, then the Congressman most certainly do as well. Congressman are also voters and live in the same districts as many of the Plaintiffs. If anything, the standing between the two is parallel. If Plaintiffs have standing to maintain a lawsuit challenging the districts, Congressman who are also voters and residents in the districts should have parallel standing to defend such lawsuits. If the Congressional Intervenors’ “interest is not materially distinguishable from the generalized interest shared by all citizens” than neither is the Plaintiffs. *See Order Denying Mot. to Intervene, ECF No. 47 (Page ID# 903).*

In this case, far from not being ordered “to do or refrain from doing anything,” Congressional Intervenors will, should Plaintiffs below win the day, face reelection in completely different congressional districts. This will result in a number of very specific harms, which the citizens of Michigan writ large simply do not suffer. Therefore, the district court erred when they found that Congressional Intervenors lacked a sufficient legal interest to intervene as defendants.

D. A Ruling on the Constitutionality of the Challenged Congressional Districts Will Impair Proposed Congressional Intervenors’ Interests.

The third requirement under Rule 24(a) is that the disposition of this suit will impair Appellants’ interests. Like all requirements under Rule 24(a), other than timeliness, the court reviews this factor *de novo*. *Grubbs*, 870 F.2d at 345. “To satisfy this element of the intervention test, a would-be intervenor must show only that impairment of its substantial legal interest is possible if intervention is denied. This burden is minimal.” *Miller*, 103 F.3d at 1247. In fact, the burden is so “minimal” that an applicant need not show “that impairment will inevitably ensue from an unfavorable disposition; the would-be intervenors need only show that the disposition *may* impair or impede

their ability to protect their interest.” *Purnell*, 925 F.2d at 948 (emphasis in original) (internal quotations and modifications omitted). There are several bases for finding an impairment of interest, including the stare decisis effect and time sensitive nature of the case. *Miller*, 103 F.3d at 1247.

An adverse ruling by the district court will significantly impair Appellants’ interests. First, the stare decisis effect on Appellants will directly impair their ability to run for re-election in the districts they have diligently and faithfully represented for over eight years and four election cycles. Other than an appeal, should the League of Women Voters prevail, there will simply be nowhere else for Appellants to turn to vindicate their rights. *See generally Grubbs*, 870 F.2d at 348 (a party’s interest is impaired when the party “has no ability to protect its interest other than intervention in this lawsuit.”).

Second, this case is time sensitive. Plaintiff-Appellees are seeking relief for the 2020 elections. *See* Complaint for Declaratory and Injunctive Relief, ECF No. 1 (Page ID# 1-34); Response to Defs.’ Motion to Stay, ECF No. 15 (Page ID# 134) (clarifying that Plaintiffs “seek a remedy for the 2020 election, not the 2018 election.”). As the *Miller*

court so aptly put it, “elections will come and go” and therefore a “potential intervenor’s interest dissipates with every passing day.” *Miller*, 103 F.3d at 1247. Forcing Congressional Intervenors to wait until after their districts are upended to vindicate their rights does nothing to further the “policies underlying Rule 24(a)” which “support intervention so that the interest may be protected while there is still time to do so.” *See Miller*, 103 F.3d at 1247. Therefore, the Congressional Intervenors have certainly shown that they meet the “minimal” burden required because the impairment they will suffer is substantially more definite than the contingent interest required by Rule 24(a).

E. Defendant Secretary of State Does Not Adequately Represent the Interests of Congressional Delegation.

The fourth factor in the intervention analysis is whether the “present parties . . . adequately represent the applicant's interest.” *Grubbs*, 870 F.2d at 345. This factor is also reviewed *de novo*. *Id.* In this case, the appropriate inquiry is whether the Appellants’ interest is more than slightly different from the Secretary of State’s interest. *See Jansen*, 904 F.2d at 343. A movant must merely prove “that

representation of his interest *may be* inadequate.” *Trbovich v. UMW*, 404 U.S. 528, 538, n.10 (1972) (emphasis added); *Miller*, 103 F.3d at 1247 (quoting and citing *Linton v. Comm’r of Health & Env’t*, 973 F.2d 1311 (6th Cir. 1992). The burden for “establishing that [an applicant’s] interest is not adequately protected . . . is minimal.” *Miller*, 103 F.3d at 1247; *see also Trbovich*, 404 U.S. at 538, n.10.

The primary interest of the Secretary of State is that of the chief elections officer of the state and to provide for the fair and smooth administration of elections. *See* MCL §§ 168.21, 168.31; *see also* Amended Reply in Support of Mot. to Intervene, ECF No. 40. Appellants’ interest, on the other hand, is related to, *inter alia*, the relationships that have been forged with constituents, the additional cost, confusion, and expense, and diminished election chances that will negatively impact Congressional Intervenors and their constitutions as they seek reelection in 2020. *See supra* 23-26; *see also* Amended Reply in Support of Mot. to Intervene, ECF No. 40 (Page ID# 661). Furthermore, because of these divergent interests, in the event of a finding for the League of Women Voters, the Secretary of State may not seek an appeal, where Congressional Intervenors most certainly would.

Amended Reply in Support of Mot. to Intervene, ECF No. 40. This is why courts often “conclude[] that governmental entities do not adequately represent the interests of aspiring intervenors.” See *Crossroads Grassroots Policy Strategies*, 788 F.3d at 314.

The current Secretary of State is an elected official who is term limited, having already served two terms in office, and therefore must vacate the office after the 2018 election. Mich. Const. art. V, § 30. She is also a Republican who is now running for State Senate. Kathleen Gray, *Sec. of State Ruth Johnson Plans Run for Michigan Senate*, DETROIT FREE PRESS (Feb. 16, 2017)

<https://www.freep.com/story/news/politics/2017/02/16/secretary-state-ruth-johnson-michigan-senate/97997048/>. Since Plaintiff-Appellees are seeking relief for the 2020 elections, there will be a different person serving as Secretary of State of Michigan—quite possibly a member of the Democratic Party—at the time of trial. There exists a real likelihood that a newly elected Democrat Secretary of State would be less inclined to zealously defend what the Plaintiffs’ term a Republican gerrymander. Complaint for Declaratory and Injunctive Relief, ECF No. 1. This is not a far-fetched notion. In fact, it is common for “adversaries” of an

opposing party to not be adversarial at all. *See* Trial Trans. Day 4, *Agre v. Wolf*, 17-CV-04392 (E.D. Pa December 7, 2017) (ECF No. 198) (counsel for intervenor-defendants responding to counsel for named defendant Governor of Pennsylvania stated, “I thought they were on our side of the V. That was quite a speech by the Governor’s counsel, who basically just utterly abandoned the state’s duly enacted law.”); *see also League of Women Voters of Pa. v. Commonwealth*, 2018 Pa. LEXIS 927 (Pa. Feb. 19, 2018) (Governor, Lieutenant Governor, and Commissioner of the Bureau of Elections, all defendants below, were realigned at oral argument in front of the Pennsylvania Supreme Court to argue on behalf of the Plaintiffs who were members of the same political party). It is also not all that uncommon for elected officials—even of the same party—to switch sides during the pendency of litigation. *See, e.g., Harris v. Ariz. Indep. Redistricting Comm’n*, 136 S. Ct. 1301 (2016).

In *Harris*, the plaintiffs brought an action challenging the 2010 legislative districting plan following the decennial census. *Id.* at 1303. In the district court, the Secretary of State was a nominal defendant represented by the Arizona Attorney General’s office. *See Harris v. Ariz. Indep. Redistricting Comm’n*, 993 F. Supp. 2d 1042, 1048 n.2 (D. Ariz.

2014). The Secretary of State, through the Attorney General, declined to defend the action to the Redistricting Commission. *See Sec. of State's Answer*, No. CV12-0894 (Ariz. Dist. July 27, 2012) (ECF No. 39) (The "Secretary of State[] takes no position on the constitutionality of the Final Legislative map."). However, a new Attorney General was elected between the conclusion of proceedings in the district court and oral argument in the Supreme Court. *See Harris*, 136 S. Ct. 1301 (Oral Arg. Tr. 26:16-27:13 (Dec. 8, 2015)). The new Attorney General sought to vigorously defend the constitutionality of the congressional district map. *Id.* The following exchange between Justice Scalia and the Attorney General of Arizona, Mr. Brnovich highlights the shift an election can bring to an elected officials representation in a case:

JUSTICE SCALIA: General Brnovich, just as a matter of curiosity, how do you end up being on this side of the case? You – you were defended in the district court, weren't you?

MR. BRNOVICH: The – Secretary in the State thought the principle of one-person, one-vote and upholding that principle was very, very important, and that's why we felt compelled to be involved in this – this case.

JUSTICE SCALIA: Well, but only on appeal. You didn't argue this side in the district court, did you?

MR. BRNOVICH: That – that's correct, Your – Justice Scalia.

JUSTICE SCALIA: What happened? Was there an election in between or something?

(Laughter.)

MR. BRNOVICH: Yes, and I won overwhelmingly.

JUSTICE SCALIA: I knew it.

Harris, 136 S. Ct. 1301 (Oral Arg. Tr. 26:16-27:9 (Dec. 8, 2015)). As shown above, this type of shift, given the involvement of elected or appointed officials, is not uncommon. *Brat v. Personhuballah*, 883 F.3d 475, 478 (4th Cir. 2018) (summarizing how the Commonwealth of Virginia refused to defend the lawsuit on appeal so that the responsibility was left to congressional intervenors); *North Carolina v. N.C. Conf. of the NAACP*, 137 S. Ct. 1399 (2017) (statement of Chief Justice Roberts respecting denial of cert. disclaiming any opinion on the merits) (noting the actions of the newly elected Governor and Attorney General moving to dismiss a case that was already before the Supreme Court on a petition for writ of certiorari).

The district court indicated, again with minimal analysis, that the Congressional Intervenors' "generalized interest will be adequately represented by Defendant's interest." Order Denying Mot. to Intervene, ECF No. 47 (Page ID# 903). Furthermore, motions to intervene by

parties outside the state government apparatus are typically granted in gerrymandering cases. *See Wright v. Rockefeller*, 376 U.S. 52, 53, (1964) (Congressman permitted to intervene as a defendant); *Page v. Va. State Bd. of Elections*, 2015 U.S. Dist. LEXIS 73514 (E.D. Va. 2015) (three-judge court); *Perez v. Perry*, 835 F. Supp. 2d 209 (W.D. Tex. 2011) (individual congressman and political parties permitted intervention). And, unsurprisingly, intervention is routinely allowed in election law cases generally. *See, e.g., Sandusky Cnty. Democratic Party v. Blackwell*, 387 F.3d 565, 570 n.2 (6th Cir. 2004) (intervention allowed by individual voters the week before judgment); *Clark v. Putnam County*, 168 F.3d 458, 461, n.3 (11th Cir. 1999) (“[I]t is normal practice in reapportionment controversies to allow [for the] intervention of voters.”). Given the significance of the precedent in this area and the importance of the dispute to both the Congressional Intervenors and the people of the State of Michigan and the nation as a whole, this Court should overturn the district court and permit Appellants intervention as of right.

III. THE THREE-JUDGE COURT ERRED WHEN IT DENIED CONGRESSIONAL INTERVENORS PERMISSIVE INTERVENTION.

A. Standard of Review

Typically, the denial of permissive intervention is reviewed for abuse of discretion. *Miller*, 103 F.3d at 1248. Rule 24 provides the standard for permissive intervention:

On timely motion, the court may be permit anyone to intervene who: . . . (B) has a claim or defense that shares with the main action a common question of law or fact In exercising its discretion, the court must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties rights.

Fed. R. Civ. P. 24(b). However, the district court must “provide enough of an explanation for its decision to enable [the Circuit court] to conduct meaningful review.” *Miller*, 103 F.3d at 1248. Just as in *Miller*, “the district court did not provide us with its reasoning for denying permissive intervention.” *Id.* The district court merely stated that “[i]n light of the complex issues raised by the parties . . . the Delegation's motion to intervene could create a significant likelihood of undue delay and prejudice to the original parties.” Order Denying Mot. to Intervene, ECF No. 47 (Page ID# 903). The district court ruling will not be given deferential treatment when it “merely . . . quote[s] the rule and . . .

state[s] the result” *Miller*, 103 F.3d at 1248; *see also United States v. Woods*, 885 F.2d 352, 353-54 (6th Cir. 1989); *TEC Eng'g Corp. v. Budget Molders Supply, Inc.*, 82 F.3d 542, 545 (1st Cir. 1996).

In the district court’s April 4 order, there was no discussion of *how* or *why* Congressional Intervenors would cause or further any undue delay in the court’s order. No case law was cited pointing to the precedent it was using for its decision. There was no more than a blanket determination, again without citation or reasoning, that because a “massive number of citizens”—a majority of which are represented in Congress by the proposed Congressional Intervenors—are interested in the pending litigation, that fact somehow creates the possibility of undue delay. Order Denying Mot. to Intervene, ECF No. 47 (Page ID# 903). Furthermore, Congressional Intervenors were never given an opportunity for a hearing on the merits of their intervention motion. An oral transcript at a hearing on an intervention motion is at least some evidence of deliberation on the part of the district court. *See TEC Eng'g Corp.*, 82 F.3d at 545; *cf. Agre v. Wolf*, No. 17-4392 (E.D. Pa. Nov. 9, 2017) (ECF No. 77) (order denying motion to intervene after hearing on said motion when motion was filed just over one-month

before trial on highly expedited schedule). Furthermore, “[t]he existence of a zone of discretion does not mean that the whim of the district court governs.” *Miller*, 103 F.3d at 1248. Typically, the remedy for a finding that an order for permissive intervention is insufficient for a ruling on the merits is remand. *Id.* However, given that the passage of time while this case is on appeal can create further complexities to the party seeking relief, Congressional Intervenors respectfully request that, given the relevant time frames, reversal of the district court’s order and an order granting intervention using this Court’s equitable powers is the appropriate course.

B. Under Any Standard of Review the District Court Erred by Denying Intervention.

If the Court does not find the arguments for intervention of right to be persuasive, Congressional Intervenors respectfully submit that the district court abused its discretion when it denied permissive intervention. Permissive intervention may be granted upon timely motion and where the movant “has a claim or defense that shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b)(1)(B). “In exercising its discretion, the court must consider whether the intervention will unduly delay or prejudice the

adjudication of the original parties' rights." Fed. R. Civ. P. 24(b)(3). "The denial of permissive intervention [will be] reversed only for clear abuse of discretion." *Coal. to Defend Affirmative Action v. Granholm*, 501 F.3d 775, 784 (6th Cir. 2007). Such a clear abuse occurred here.

As a preliminary matter, it is unquestioned that Congressional Intervenors share a defense with the current Secretary of State. Both parties, at this stage, seek to defend the 2012 congressional plan, a law duly enacted by the Legislature of the State of Michigan, from disruption before the next decennial apportionment. *See, e.g.*, Mot. to Stay and to Dismiss, Jan. 12, 2018, ECF No. 11 (Page ID# 74-109); Reply in Support of Mot. to Stay or Dismiss, Feb. 20, 2018, ECF. No. 20 (Page ID# 181-195); Mot. to Intervene, ECF. No. 21 (209-275); Amended Mot. to Stay, ECF No. 23-1 (Page ID# 287-305). Furthermore, Congressional Intervenors' interest in the pending litigation has been described at great length. *See supra* at 23-26.

The district court, in its April 4, 2018 order states:

In light of the complex issues raised by the parties, the need for expeditious resolution of the case, and the massive number of citizens who share the Delegation's interest in this litigation, granting the Delegation's motion to intervene **could create a significant likelihood of undue delay and prejudice to the original parties.**

Order Denying Mot. to Intervene, ECF No. 47 (Page ID# 903) (emphasis added). It is hard to fathom any delay Congressional Intervenors may cause, let alone claim its significant likelihood. Even though it was unclear on the face of their Complaint, the League of Women Voters have gone out of its way to emphatically state that they are seeking review before the 2020 and *not* the 2018, elections. *See* P's Response to Motion to Stay and Dismiss, ECF No. 15 at 2; P's Response to Motion to Intervene, ECF No. 37 at 7-9. The 2020 congressional elections are more than two years away. Even accounting for the time it may take to implement any relief the district court may order, there is still a sufficient amount of time to conduct this case in the normal course. *Cf. SEIU Local 1 v. Husted*, 515 Fed. Appx. 539, 542-43 (6th Cir. 2013) (affirming a denial of permissive intervention where the intervenors filed their motion the day before the injunction hearing on a case with an extremely expedited schedule); *see also Agre v. Wolf*, No. 17-4392 (E.D. Pa. Nov. 9, 2017) (ECF No. 77) (denial of intervention because of expedited trial schedule). As of now, a trial date has not yet been sent and discovery has barely commenced. There has been no motion to expedite this hearing, nor should there as the 2020 elections are more

than two years out. Simply put, “[t]he existence of a zone of discretion does not mean that the whim of the district court governs.” *Id.* Therefore, the district court abused its discretion by failing to allow Congressional Intervenors permissive intervention.

CONCLUSION

For the aforementioned reasons, Congressional Intervenors respectfully request this court enter judgment allowing for the immediate intervention as of right in the district court, or alternatively, permit permissive intervention.

Dated: April 25, 2018

Respectfully submitted,

**HOLTZMAN VOGEL JOSEFIAK
TORCHINSKY PLLC**

CLARK HILL PLC

/s/ Jason Torchinsky

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CERTIFICATE OF COMPLIANCE WITH RULE 32(a)

***Certificate of Compliance With Type-Volume Limitation,
Typeface Requirements, and Type Style Requirements***

1. This brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) (i) because the brief contains 8,895 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f).

2. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because the brief has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point Times New Roman style.

By: /s/ Jason Brett Torchinsky
Attorney for Appellant
Congressional Intervenors

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the Opening Brief of Appellants was electronically filed with the Sixth Circuit Court of Appeals on April 25, 2018. The Opening Brief of Appellants was served by ECF on April 25, 2018, on counsel for Appellee. The address for Counsel for the Appellee:

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90 S. Seventh Street
Suite 2200
Minneapolis, MN 55402
612-766-7000

By: /s/ Jason Brett Torchinsky
Attorney for Appellant
Congressional Intervenors

IN THE
United States Court of Appeals
FOR THE SIXTH CIRCUIT

LEAGUE OF WOMEN VOTERS OF MICHIGAN;
 ROGER J. BRDAK; FREDERICK C. DURHAL, JR.; JACK E. ELLIS;
 DONNA E. FARRIS; WILLIAM "BILL" J. GRASHA;
 ROSA L. HOLLIDAY; DIANA L. KETOLA; JON "JACK" G. LASALLE;
 RICHARD "DICK" W. LONG; LORENZO RIVERA; RASHIDA H. TLIAB,

Plaintiffs-Appellees,

v.

RUTH JOHNSON,
 in her official capacity as Michigan Secretary of State,

Defendant,

and

JACK BERGMAN; BILL HUIZENGA; JOHN MOOLENAAR;
 FRED UPTON; TIM WALBERG; MIKE BISHOP;
 PAUL MITCHELL; DAVID TROTT,
 Republican Congressional Delegation,

Proposed Intervenors-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF MICHIGAN
 AT DETROIT

**DESIGNATION OF RELEVANT DISTRICT COURT DOCUMENTS AND
 ADDENDUM**

Brian D. Shekell
 CLARK HILL
 500 Woodward Avenue
 Suite 3500
 Detroit, MI 48226
 313-965-8803

Jason Brett Torchinsky
 HOLTZMAN VOGEL
 JOSEFIK TORCHINSKY
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 540-341-8808

Counsel for Appellants

Dkt. No. 1	Complaint	Page ID # 1-34
Dkt. No. 11	Defendants Motion to Dismiss	Page ID # 74-109
Dkt. No. 15	Plaintiffs' Response to Motion to Dismiss	Page ID # 119-170
Dkt. No. 20	Defendants Reply to Motion to Dismiss	Page ID # 181-195
Dkt. No. 21	Motion to Intervene	Page ID # 209-275
Dkt. No. 22	Joint Discovery Plan	Page ID # 276-285
Dkt. No. 23-1	Amended Motion to Stay	Page ID # 287-305
Dkt. No. 35	Order Denying Motion to Stay	Page ID # 612-614
Dkt. No. 37	Plaintiffs' Brief in Support of Response to Motion to Intervene	Page ID # 622-636
Dkt. No. 40	Intervenors Amended Reply to Motion to Intervene	Page ID # 655-662
Dkt. No. 47	Order Denying Motion to Intervene	Page ID # 902-904
Dkt. No. 48	Intervenors Notice of Appeal to Supreme Court	Page ID # 905-907
Dkt. No. 50	Intervenors Notice of Appeal	Page ID # 926-928

Image# 201803239097926821

PAGE 1 / 3

FEC FORM 2

STATEMENT OF CANDIDACY

1. (a) Name of Candidate (in full) Bergman, John, , ,		
(b) Address (number and street) N3465 Sylvan Isle Drive		<input type="checkbox"/> Check if address changed
(c) City, State, and ZIP Code Watersmeet MI 49969		2. Candidate's FEC Identification Number H6MI01226
4. Party Affiliation REPUBLICAN PARTY		3. Is This Statement <input type="checkbox"/> New (N) OR <input checked="" type="checkbox"/> Amended (A)
5. Office Sought House		6. State & District of Candidate MI 01

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2018 election(s).
(year of election)

NOTE: This designation should be filed with the appropriate office listed in the instructions.

(a) Name of Committee (in full) BERGMANFORCONGRESS		
(b) Address (number and street) N5070 CISCO LAKE ROAD		
(c) City, State, and ZIP Code WATERSMEET MI 49969		

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

(Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full) Bergman Victory Committee		
(b) Address (number and street) PO Box 9891		
(c) City, State, and ZIP Code Arlington VA 22219		

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate Bergman, John, , , <i>[Electronically Filed]</i>	Date 03/23/2018
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NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. §437g.

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Optional Supplemental Page for Designation
of Additional Authorized Committees

FEC Form 2S (Revised 02/2017)

Page 2 of 3

DESIGNATION OF OTHER AUTHORIZED COMMITTEES
(Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy. **NOTE:** This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

REPUBLICANS INSPIRING SUCCESS & EMPOWERMENT PROJECT (RISE PROJECT)

(b) Address (number and street)
PO BOX 2485

(c) City, State, and ZIP Code

SPRINGFIELD VA 22152

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy. **NOTE:** This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

REPUBLICANS INSPIRING SUCCESS & EMPOWERMENT PROJECT (RISE PROJECT)

(b) Address (number and street)
PO BOX 2485

(c) City, State, and ZIP Code

SPRINGFIELD VA 22152

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy. **NOTE:** This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

BERGMAN VICTORY COMMITTEE

(b) Address (number and street)
PO BOX 9891

(c) City, State, and ZIP Code

ARLINGTON VA 22219

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy. **NOTE:** This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

REPUBLICANS INSPIRING SUCCESS & EMPOWERMENT PROJECT (RISE PROJECT)

(b) Address (number and street)
PO BOX 2485

(c) City, State, and ZIP Code

SPRINGFIELD VA 22152

Optional Supplemental Page for Designation of Additional Authorized Committees

FEC Form 2S (Revised 02/2017)

Page 3 of 3

DESIGNATION OF OTHER AUTHORIZED COMMITTEES (Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy. NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

BERGMAN VICTORY COMMITTEE

(b) Address (number and street) PO BOX 9891

(c) City, State, and ZIP Code

ARLINGTON

VA

22219

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy. NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

(b) Address (number and street)

(c) City, State, and ZIP Code

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy. NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

(b) Address (number and street)

(c) City, State, and ZIP Code

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy. NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

(b) Address (number and street)

(c) City, State, and ZIP Code

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PAGE 1 / 2

FEC FORM 2

STATEMENT OF CANDIDACY

1. (a) Name of Candidate (in full) Bishop, Mike, , ,			2. Candidate's FEC Identification Number H4MI08135	
(b) Address (number and street) 883 Great Oaks Boulevard		<input type="checkbox"/> Check if address changed		
(c) City, State, and ZIP Code Rochester MI 48307-1014		3. Is This Statement <input checked="" type="checkbox"/> New (N) OR <input type="checkbox"/> Amended (A)		
4. Party Affiliation REPUBLICAN PARTY	5. Office Sought House	6. State & District of Candidate MI 08		

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2018 election(s).
(year of election)

NOTE: This designation should be filed with the appropriate office listed in the instructions.

(a) Name of Committee (in full) Mike Bishop for Congress		
(b) Address (number and street) PO Box 1148		
(c) City, State, and ZIP Code Brighton MI 48116-2748		

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

(Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full) Pioneer Project Wine Club		
(b) Address (number and street) 824 S Milledge Ave Ste 101		
(c) City, State, and ZIP Code Athens GA 30605-1332		

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate Bishop, Mike, , , <i>[Electronically Filed]</i>	Date 04/06/2017
--	--------------------

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. §437g.

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Transaction ID:

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PAGE 1 / 2

FEC FORM 2

STATEMENT OF CANDIDACY

1. (a) Name of Candidate (in full) Huizenga, William, P, ,		2. Candidate's FEC Identification Number HOMI02094
(b) Address (number and street) 14071 Georgian Bay Dr		<input type="checkbox"/> Check if address changed
(c) City, State, and ZIP Code Holland MI 49424-7452		3. Is This Statement <input checked="" type="checkbox"/> New (N) OR <input type="checkbox"/> Amended (A)
4. Party Affiliation UNKNOWN	5. Office Sought House	6. State & District of Candidate MI 02

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2018 election(s).
(year of election)

NOTE: This designation should be filed with the appropriate office listed in the instructions.

(a) Name of Committee (in full) HUIZENGA FOR CONGRESS		
(b) Address (number and street) PO Box 254		
(c) City, State, and ZIP Code Zeeland MI 49464-1509		

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

(Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full) BHY Committee		
(b) Address (number and street) 824 S Milledge Ave Ste 101		
(c) City, State, and ZIP Code Athens GA 30605-1332		

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate Huizenga, William, P, , [Electronically Filed]	Date 03/03/2017
---	--------------------

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. §437g.

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FORM 2S - STATEMENT OF CANDIDACY (Supplemental Page)

FEC Form 2 (Rev. 02/2003)

Page 2 / 2

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

[ADDITIONAL]

(Including Joint Fundraising Representatives)

I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE:This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

Michigan Victory 2016

(b) Address (number and street)

824 S Milledge Ave
Ste 101

(c) City, State and ZIP Code

Athens GA 30605-1332

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

[ADDITIONAL]

(Including Joint Fundraising Representatives)

I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE:This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

The Rivalry Joint Committee

(b) Address (number and street)

228 S Washington St
Ste 115

(c) City, State and ZIP Code

Alexandria VA 22314-5404

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

[ADDITIONAL]

(Including Joint Fundraising Representatives)

I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE:This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

(b) Address (number and street)

(c) City, State and ZIP Code

FEC FORM 2

STATEMENT OF CANDIDACY

RECEIVED PAGE 1/1
 FEC MAIL CENTER
 2017 JUN -9 PM 12: 14

1. (a) Name of Candidate (in full) Mitchell, Paul, , III			2. Candidate's FEC Identification Number H4MI04118		
(b) Address (number and street) 616 Edison Boulevard		<input checked="" type="checkbox"/> Check if address changed			
(c) City, State, and ZIP Code Port Huron MI 48060		3. Is This Statement <input type="checkbox"/> New (N) OR <input checked="" type="checkbox"/> Amended (A)			
4. Party Affiliation REPUBLICAN PARTY	5. Office Sought House		6. State & District of Candidate MI 10		

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2018 election(s).
 (year of election)

NOTE: This designation should be filed with the appropriate office listed in the instructions.

(a) Name of Committee (in full) Friends of Paul Mitchell		
(b) Address (number and street) 4068 Hough Rd		
(c) City, State, and ZIP Code Dryden MI 48428-9781		

DESIGNATION OF OTHER AUTHORIZED COMMITTEES (Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full) Encouraging Learning And Skills PAC		
(b) Address (number and street) 1666 K St NW Ste 500		
(c) City, State, and ZIP Code Washington DC 20006-1218		

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate Mitchell, Paul, , III 	Date 05/07/2017
--	--------------------

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. §437g.

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Federal Election Commission ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS The FEC added this page to the end of this filing to indicate how it was received.	
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<input checked="" type="checkbox"/> USPS First Class Mail <div style="margin-left: 100px;"> Postmarked <i>6/5/2017</i> </div>	Date of Receipt <i>6/9/2017</i>
<input type="checkbox"/> USPS Registered/Certified	Postmarked (R/C)
<input type="checkbox"/> USPS Priority Mail	Postmarked
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<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify): <div style="margin-left: 200px;"> Next Business Day Delivery <input type="checkbox"/> </div>	Shipping Date
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked
PREPARER <i>MP</i>	<i>6/9/2017</i> DATE PREPARED

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PAGE 1 / 2

FEC FORM 2

STATEMENT OF CANDIDACY

1. (a) Name of Candidate (in full) Moolenaar, John, , Mr.,			2. Candidate's FEC Identification Number H4MI04126	
(b) Address (number and street) 4410 Linden Drive		<input type="checkbox"/> Check if address changed		
(c) City, State, and ZIP Code Midland MI 48640-2614		3. Is This Statement <input checked="" type="checkbox"/> New (N) OR <input type="checkbox"/> Amended (A)		
4. Party Affiliation REPUBLICAN PARTY	5. Office Sought House	6. State & District of Candidate MI 04		

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2018 election(s).
(year of election)

NOTE: This designation should be filed with the appropriate office listed in the instructions.

(a) Name of Committee (in full) Moolenaar for Congress		
(b) Address (number and street) 5915 Eastman Avenue Suite 100		
(c) City, State, and ZIP Code Midland MI 48640-6824		

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

(Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full) Moolenaar Victory Fund		
(b) Address (number and street) 5915 Eastman Avenue Suite 100		
(c) City, State, and ZIP Code Midland MI 48640		

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate Moolenaar, John, , Mr., <i>[Electronically Filed]</i>	Date 05/08/2017
--	--------------------

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. §437g.

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Transaction ID:

Image# 201612169040611939

PAGE 1 / 2

FEC FORM 2

STATEMENT OF CANDIDACY

1. (a) Name of Candidate (in full) TROTT, DAVID A., ,			2. Candidate's FEC Identification Number H4MI11097	
(b) Address (number and street) 158 PARK LAKE DRIVE		<input type="checkbox"/> Check if address changed		
(c) City, State, and ZIP Code BIRMINGHAM MI 48009		3. Is This Statement <input type="checkbox"/> New (N) OR <input checked="" type="checkbox"/> Amended (A)		
4. Party Affiliation REPUBLICAN PARTY	5. Office Sought House	6. State & District of Candidate MI 11		

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2018 election(s).
(year of election)

NOTE: This designation should be filed with the appropriate office listed in the instructions.

(a) Name of Committee (in full) TROTT FOR CONGRESS, INC.		
(b) Address (number and street) P.O. BOX 217		
(c) City, State, and ZIP Code TROY MI 48099		

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

(Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full) REPUBLICANS INSPIRING SUCCESS & EMPOWERMENT PROJECT (RISE PROJECT)		
(b) Address (number and street) PO BOX 2485		
(c) City, State, and ZIP Code SPRINGFIELD VA 22152		

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate TROTT, DAVID, A., , <i>[Electronically Filed]</i>	Date 12/16/2016
--	--------------------

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. §437g.

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FORM 2S - STATEMENT OF CANDIDACY (Supplemental Page)

FEC Form 2 (Rev. 02/2003)

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DESIGNATION OF OTHER AUTHORIZED COMMITTEES

[ADDITIONAL]

(Including Joint Fundraising Representatives)

I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE:This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

TO REPUBLICANS OWNING THIS TOWN IN EVERY RACE PAC TROTTER PAC

(b) Address (number and street)

PO BOX 801

(c) City, State and ZIP Code

NOVI

MI

48376

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

[ADDITIONAL]

(Including Joint Fundraising Representatives)

I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE:This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

(b) Address (number and street)

(c) City, State and ZIP Code

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

[ADDITIONAL]

(Including Joint Fundraising Representatives)

I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE:This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

(b) Address (number and street)

(c) City, State and ZIP Code

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FEC FORM 2

STATEMENT OF CANDIDACY

1. (a) Name of Candidate (in full) Upton, Frederick, Stephen, ,		2. Candidate's FEC Identification Number H6MI04113
(b) Address (number and street) 285 Ridgeway	<input type="checkbox"/> Check if address changed	
(c) City, State, and ZIP Code St. Joseph MI 49085	3. Is This Statement <input checked="" type="checkbox"/> New (N) OR <input type="checkbox"/> Amended (A)	
4. Party Affiliation REPUBLICAN PARTY	5. Office Sought House	6. State & District of Candidate MI 06

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2018 election(s).
(year of election)

NOTE: This designation should be filed with the appropriate office listed in the instructions.

(a) Name of Committee (in full) Upton for All of Us	
(b) Address (number and street) PO Box 490	
(c) City, State, and ZIP Code St. Joseph MI 49085	

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

(Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)	
(b) Address (number and street)	
(c) City, State, and ZIP Code	

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate Upton, Frederick, Stephen, , <i>[Electronically Filed]</i>	Date 01/09/2017
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NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. §437g.

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FEC FORM 2

STATEMENT OF CANDIDACY

1. (a) Name of Candidate (in full) Walberg, Timothy, L, Rep,		2. Candidate's FEC Identification Number H4MI07103
(b) Address (number and street) 6769 Teachout Road		<input type="checkbox"/> Check if address changed
(c) City, State, and ZIP Code Tipton MI 49287-9807		3. Is This Statement <input checked="" type="checkbox"/> New (N) OR <input type="checkbox"/> Amended (A)
4. Party Affiliation REPUBLICAN PARTY	5. Office Sought House	6. State & District of Candidate MI 07

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2018 election(s).
(year of election)

NOTE: This designation should be filed with the appropriate office listed in the instructions.

(a) Name of Committee (in full) Walberg for Congress		
(b) Address (number and street) PO Box 1362		
(c) City, State, and ZIP Code Jackson MI 49204-1362		

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

(Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full) Michigan Young Guns Victory Fund		
(b) Address (number and street) 25 E Main Street		
(c) City, State, and ZIP Code Richmond VA 23219-2109		

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate Walberg, Timothy, L, Rep, <i>[Electronically Filed]</i>	Date 03/21/2017
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NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. §437g.

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FEC Form 2 (Rev. 02/2003)

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DESIGNATION OF OTHER AUTHORIZED COMMITTEES

[ADDITIONAL]

(Including Joint Fundraising Representatives)

I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE:This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

Patriot Day III 2014

(b) Address (number and street)

228 S Washington St

(c) City, State and ZIP Code

Alexandria

VA

22314-5404

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

[ADDITIONAL]

(Including Joint Fundraising Representatives)

I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE:This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

Security For America Fund VIII

(b) Address (number and street)

4703 Woodway Lane NW

(c) City, State and ZIP Code

Washington

DC

20016-3240

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

[ADDITIONAL]

(Including Joint Fundraising Representatives)

I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE:This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

Patriot Day II 2015

(b) Address (number and street)

PO Box 9891

(c) City, State and ZIP Code

Arlington

VA

22219-1891

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DESIGNATION OF OTHER AUTHORIZED COMMITTEES

[ADDITIONAL]

(Including Joint Fundraising Representatives)

I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE:This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

Walberg Bishop Victory Fund

(b) Address (number and street)

2470 Daniels Bridge Rd

(c) City, State and ZIP Code

Athens

GA

30606-6187

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

[ADDITIONAL]

(Including Joint Fundraising Representatives)

I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE:This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

Great Eight Committee

(b) Address (number and street)

228 S Washington St

(c) City, State and ZIP Code

Alexandria

VA

22314-5404

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

[ADDITIONAL]

(Including Joint Fundraising Representatives)

I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE:This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

Walberg Victory Fund

(b) Address (number and street)

PO Box 1362

317 W Wa

(c) City, State and ZIP Code

Jackson

MI

49204-1362