
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

APPELLANTS' AMENDED MOTION TO EXPEDITE DECISION

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MOTION TO EXPEDITE DECISION

The district court in this matter has set a Case Management Order, ECF No. 53 (attached as Appendix A), requiring, *inter alia*, Defendant's expert disclosures by June 29, 2018, fact and expert discovery to be completed by August 24, 2018, and Summary Judgment motions by September 21, 2018.

We have contacted Plaintiff-Appellees' counsel and they do not consent to this motion. Secretary of States' Counsel, defendant below, consents to this motion.

Due to the fast approaching deadlines in this matter, Proposed Intervenor respectfully request that this Court set oral argument for the week of June 11 or conduct telephonic oral argument at the Court's convenience. In the alternative, Proposed Intervenor, in the interest of time, are willing to waive oral argument in order for this matter to be timely decided. Proposed Intervenor further request that, in any event, this matter be decided by July 2, 2018 so that Proposed Intervenor cause minimal disruption to the trial process should their intervention be permitted.

Dated: June 7, 2018

Respectfully submitted,

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/s/ Jason Torchinsky

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CERTIFICATE OF COMPLIANCE

This motion complies with the type volume limitation of Fed. R. App. P. 27(d)(2) as the motion contains only 166 words, excluding the parts exempted by rule.

This motion complies with the typeface and style requirements of Fed. R. App. P. because the motion has been prepared in a proportional spaced typeface in 14-point Century Schoolbook font using Microsoft Word version 16.13.1.

Respectfully Submitted,

/s/ Jason Torchinsky
Jason Torchinsky
Attorney for Appellants

CERTIFICATE OF SERVICE

On June 7, 2018, I certify that I filed the foregoing with the Clerk of the Court using the CM/ECF system, which then sent a notification of electronic filing to all counsel of record.

/s/ Jason Torchinsky
Jason Torchinsky

APPENDIX A

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LEAGUE OF WOMEN VOTERS)
OF MICHIGAN, et al.,)

Plaintiffs,)

v.)

No. 2:17-cv-14148

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

ORDER

Defendant.)
_____)

CASE MANAGEMENT ORDER NO. 1

The parties, having submitted a Joint Report from Rule 26(f) Conference and Discovery Plan [Dkt. No. 22] (“Report”), and the Court, having reviewed the Report, **ORDERS** the following schedule governing the progress of this case:

Preliminary witness and exhibits lists exchanged by: May 18, 2018

Plaintiffs’ expert disclosures served by: June 1, 2018

Defendant’s expert disclosures must be served by: June 29, 2018

Plaintiff’s rebuttal expert reports must be served by: July 27, 2018

Fact and Expert discovery must be completed by: August 24, 2018

Summary judgment motions must be filed by: September 21, 2018
(Briefs/response times governed by E.D. Mich. LR 7.1)

**Oral argument is set for: November 9, 2018
at 11:00 a.m.**

A Proposed Joint and Final Pretrial Order
(See E.D. Mich. LR 16.2) with detailed witness
and numbered exhibit lists must be submitted by: November 26, 2018

Any trial motions in limine must be filed by: November 26, 2018

Any responses to the motions in limine must be filed by: December 3, 2018

**The Final Pretrial Conference is set for: December 11, 2018
at 11:00 a.m.**

Trial briefs must be filed by: January 28, 2019

**Trial is set to begin: February 5, 2019
at 9:00 a.m.**

Proposed Findings of Facts and Conclusions of Law
must be filed by: February 22, 2019

The Court further **ORDERS** the following governing discovery:

Electronic Discovery:

The parties recognize and must abide by their duty to preserve all information and communications, including electronically-stored information and communications, that may be relevant to this litigation. At this time, the Court will not limit the discovery as requested by Defendant in Part (C) of the Report, as there may be relevant information prior to the census data date and after the districting plans were signed into law.

The parties agree to produce ESI in native format. The parties will in good faith attempt to reach agreement about format if not easily produced in native format. The Court adopts the parties' agreement relative to ESI (Text, Images, Metadata/Load Files and Opt) set forth in Part (C) of the Report.

Privilege Issues:

The parties agree to the following “claw back” provision, and the Courts so orders:

In the event that a document protected by the attorney-client privilege, the attorney work product doctrine or other applicable privilege or protection is unintentionally produced by any party to this proceeding, the producing party may request that the document be returned. In the event that such a request is made, all parties to the litigation and their counsel shall promptly return all copies of the document in their possession, custody, or control to the producing party and shall not retain or make any copies of the document or any documents derived from such document. Any electronic copies will be deleted promptly. The producing party shall promptly identify the returned document on a privilege log. The unintentional disclosure of a privileged or otherwise protected document shall not constitute a waiver of the privilege or protection with respect to that document or any other documents involving the same or similar subject matter. This “claw back” provision will also apply to any non-parties who produce documents and electronically stored information in response to third-party discovery.

The E.D. Mich. Local Rules, Appendix ECF (www.mied.uscourts.gov) and Federal Rules of Civil Procedures govern in this matter. A schedule may be modified only for good cause by leave of Court. Fed. R. Civ. P. 16(b)(4); Local Rule 40.2.

ENTERED: May 9, 2018

S/DENISE PAGE HOOD

Signed for and on behalf of the panel:

HONORABLE ERIC L. CLAY

United States Circuit Judge

HONORABLE DENISE PAGE HOOD

United States District Judge

HONORABLE GORDON J. QUIST

United States District Judge