

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LEAGUE OF WOMEN VOTERS )  
OF MICHIGAN, et al., ) Case No. 2:17-cv-14148  
)  
Plaintiffs, ) Hon. Eric L. Clay  
) Hon. Denise Page Hood  
v. ) Hon. Gordon J. Quist  
)  
JOCELYN BENSON, in her official ) **PLAINTIFFS' UNOPPOSED**  
Capacity as Michigan ) **MOTION FOR CONTINUANCE**  
Secretary of State, et al., ) **OF TRIAL**  
)  
Defendants. )

Joseph H. Yeager, Jr. (IN 2083-49)  
Kevin M. Toner (IN 11343-49)  
Harmony A. Mappes (IN 27237-49)  
Jeffrey P. Justman (MN 390413)  
Daniel R. Kelley (IN 30706-49)  
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Plaintiffs, 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, and Rashida H. Tlaib, pursuant to E.D. Mich. LR 41.1 and LR 40.2, respectfully move the Court to continue the trial set for February 5, 2019. In support, plaintiffs state as follows:

1. Plaintiffs and Defendant Secretary Benson filed today their Joint Motion to Approve Consent Decree (“Consent Decree Motion,” ECF 211) and supporting brief that address in detail the numerous legal authorities confirming the strong basis for approving the proposed consent decree in this case.

2. The proposed consent decree was provided to the intervenors in this case (collectively, “Intervenors”), who will have the opportunity to object and participate at a hearing on the Consent Decree Motion. If the Court approves the consent decree after a hearing and due consideration, the Michigan legislature will have the opportunity to propose for the Court’s consideration eleven alternative non-partisan Michigan House districts to be utilized during the 2020 elections and until districts are enacted following the 2020 census. And, all parties will have avoided the risk of an adverse outcome in the United States Supreme Court, or in this Court.

3. If the Court grants the Consent Decree Motion, a trial will not be necessary. The consent decree resolves all of plaintiffs’ claims.

4. Trial in this matter is scheduled to begin on February 5, 2019. [ECF 140] The Intervenors previously moved the Court to stay the trial. [ECF 183]. Proper briefing of the Consent Decree Motion, even if expedited, will likely consume at the very least two weeks, which absent a continuance would overlap with the trial. That schedule would threaten to eliminate the benefits of settlement that the State, in the person of its authorized representatives the Secretary and the Attorney General, and the plaintiffs have bargained for.

5. To allow a reasonable and adequate time for the consent decree process and to avoid burdening the Court and the parties in the meantime with further trial preparations and under all current circumstances, plaintiffs respectfully ask the Court to continue the trial indefinitely pursuant to LR 40.2.

6. Plaintiffs are mindful of the Court's concerns about a continuance of the trial, expressed during the status conference held on January 22, 2019. Plaintiffs also acknowledge that obtaining the Court's approval of the consent decree carries its own risks and uncertainties. Plaintiffs have concluded that the benefits of the proposed consent decree and the strong authority supporting it, both described in the Consent Decree Motion, merit these risks and justify seeking a continuance of trial.

#### **Local Rule 7.1(a) Statement**

On January 24, 2019, undersigned counsel for plaintiffs sought concurrence in this motion from the Special Assistant Attorneys General representing Defendant Secretary Benson, and from counsel for Intervenors. Counsel for Secretary Benson

and counsel for Intervenor both concur in this request for a continuance, though as reported in the Consent Decree Motion, Intervenor do not concur in that motion.

WHEREFORE, plaintiffs move the Court to continue the February 5, 2019 trial indefinitely and grant plaintiffs all other just and appropriate relief.

Respectfully submitted,

Date: January 25, 2019

/s/ Joseph H. Yeager, Jr.

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*Counsel for Plaintiffs*

**Certificate of Service**

I certify that on January 25, 2019, I have electronically filed the foregoing with the Clerk of the Court using the ECF system, which will send notification of this filing to all counsel of record in this matter.

*/s/ Joseph H. Yeager, Jr.* \_\_\_\_\_