

**STATE OF MICHIGAN**  
**IN THE COURT OF APPEALS**

**CITIZENS PROTECTING MICHIGAN'S  
CONSTITUTION, JOSEPH SPYKE, and  
JEANNE DAUNT,**

Plaintiffs,

v

**SECRETARY OF STATE and MICHIGAN  
BOARD OF STATE CANVASSERS,**

Defendants / Cross-Defendants,  
and

**VOTERS NOT POLITICIANS BALLOT  
COMMITTEE, d/b/a VOTERS NOT  
POLITICIANS, COUNT MI VOTE, a Michigan  
Non-Profit Corporation, d/b/a VOTERS NOT  
POLITICIANS, KATHRYN A. FAHEY,  
WILLIAM R. BOBIER and DAVIA C.  
DOWNEY,**

Prospective Intervening Defendants

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**MOTION FOR IMMEDIATE CONSIDERATION OF  
MOTION FOR INTERVENTION**

Now Come Prospective Intervening Defendants Voters Not Politicians Ballot Committee d/b/a Voters Not Politicians and Count MI Vote d/b/a Voters Not Politicians (collectively “Voters Not Politicians” or “VNP”); Kathryn A. Fahey; William R. Bobier; and Davia C. Downey, by their undersigned legal counsel, bringing this Motion for Immediate Consideration of their Motion for Intervention pursuant to MCR 7.211(C)(6), and in support of their motion, states the following:

1. In this original action, Plaintiffs have sought a writ of mandamus directing Defendants Secretary of State and Board of State Canvassers to reject the ballot proposal at issue in this litigation, and to take no action to place that proposal on the ballot. Plaintiffs’ Complaint for Mandamus has presented claims alleging that the proposal at issue cannot be submitted to the voters because it constitutes a “general revision” of the Constitution which can only be accomplished by a constitutional convention convened pursuant to Const 1963, art 12, § 3, and because the ballot proposal petition failed to list and republish existing sections of the Constitution that would be abrogated by the amendment if adopted by the voters.

2. Voters Not Politicians is the sponsor of the ballot proposal at issue in this action.

3. With this Motion for Immediate Consideration, Voters Not Politicians and the other Prospective Intervening Defendants have filed a Motion for Intervention in this matter requesting that they be added as Intervening Defendants.

4. The Prospective Intervening Defendants have submitted a Stipulation for Intervention signed by Plaintiffs’ counsel in support of their Motion for Intervention. They have not been able to secure a stipulation for intervention from the named Defendants.

5. The Prospective Intervening Defendants have also submitted their proposed Answer and Affirmative Defenses to Plaintiffs’ Complaint for Mandamus and a Cross-Claim

requesting the issuance of a writ of mandamus against Defendants Secretary of State and Board of State Canvassers with their Motion for Intervention, in accordance with MCR 2.209(C)(2).

6. Voters Not Politicians and the other Prospective Intervening Defendants have a strong interest in opposing Plaintiffs' request for relief in this action for the reasons explained in their proposed Answer and Cross-Claim.

7. By their Motion for Intervention, the Prospective Intervening Defendants have requested that they be permitted to participate fully in this matter, with all of the rights of participation normally accorded to defendants named in the original Complaint, thus allowing their participation as both Intervening Defendants and Intervening Defendants / Cross-Plaintiffs.

8. Plaintiffs' Complaint for Mandamus was served upon the named Defendants on May 1, 2018. Thus, the answer of the named Defendants is due on May 22, 2018. The Prospective Intervening Defendants have proposed to file their Brief in opposition to Plaintiffs' Complaint for Mandamus and in support of their Cross-Claim on or before that date if the Court grants their request to intervene in this matter.

9. By this motion, the Prospective Intervening Defendants request immediate consideration of their Motion for Intervention pursuant to MCR 7.211(C)(6).

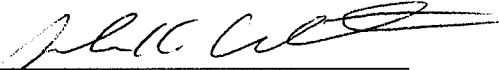
10. Immediate consideration of the aforementioned Motion for Intervention is essential because the Prospective Intervening Defendants may not receive a ruling from this Court as to whether they will be permitted to intervene and whether they will be allowed to participate fully, as requested, if their Motion for Intervention is submitted and decided in the normal course.

11. For all of these reasons, the interests of justice would be best served by granting immediate consideration of Prospective Intervening Defendants' Motion for Intervention.

WHEREFORE, Prospective Intervening Defendants Voters Not Politicians Ballot Committee d/b/a Voters Not Politicians, Count MI Vote d/b/a Voters Not Politicians, Kathryn A. Fahey, William R. Bobier and Davia C. Downey respectfully request that this Honorable Court grant immediate consideration of their Motion for Intervention.

Respectfully submitted,

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Dated: May 10, 2018



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