

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

LEAGUE OF WOMEN VOTERS)
OF MICHIGAN, et al.,)
)
Plaintiffs,)
)
v.)
)
RUTH JOHNSON, in her official)
capacity as Michigan Secretary of)
State,)
)
Defendant.)
)
)
_____)

No. 2:17-cv-14148

ORDER

**ORDER DENYING DEFENDANT’S MOTION TO
CONVENE A SCHEDULING CONFERENCE**

Before the Court is Defendant’s “Motion to Convene a Scheduling Conference.” [Dkt. No. 55.] Plaintiffs have not concurred in the motion. For the reasons set forth below, the Court will deny Defendant’s motion.

Defendant argues that a scheduling conference is necessary in order to address five matters. *First*, Defendant reasserts the argument that she advanced in favor of a stay, namely that the outcomes of two cases currently pending before the Supreme Court might be relevant to the development of the instant case. [Dkt. No.

11.] The Court has already rejected this argument as a basis to grant a stay, [Dkt. No. 35], and the Court finds no basis to reconsider it for the present purpose.

Second, Defendant “requests that some accommodation be made to the schedule to allow the parties to make changes to submitted expert reports and analyses based on the November 2018 election results.” [Dkt. No. 55 at PageID #964.] The Court denies this request because the November 2018 election will take place after the close of discovery in this case.

Third, Defendant asserts that she plans to file a second motion to dismiss, the outcome of which might affect the management of this case. The Court finds that this issue is unripe and, accordingly, that it provides no basis to convene a scheduling conference.

Fourth, Defendant speculates that there might be “practical impacts” that arise in the future because Defendant “will no longer be at the helm of the Department of State at the time of the scheduled trial” and because “additional parties may seek intervention.” [Dkt. No. 55 at PageID #965.] This issue, too, is unripe.

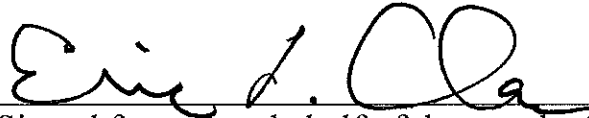
Fifth, and finally, Defendant observes that she must answer Plaintiffs’ complaint on a district-by-district basis. Defendant asserts that “[t]he parties and Court should discuss how to allow for additional time for Defendants to gain an understanding of which districts Plaintiffs intend to challenge and to assure their

expert reports . . . address these same single districts.” [Dkt. No. 55 at PageID #965.] The Court finds no basis to conclude that Plaintiffs are challenging fewer than all of the districts in the current apportionment plan. Accordingly, the parties need no additional time to identify which districts Plaintiffs seek to challenge.

ORDER

It is hereby ORDERED that Defendant’s “Motion to Convene a Scheduling Conference” is DENIED.

ENTERED: May 22, 2018



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

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 22, 2018, by electronic and/or ordinary mail.

S/Diane R. Marion
Administrative Manager