

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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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 G. RIVERA)
and RASHIDA H. TLAIB,)

Plaintiffs,

v.

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

Defendant.)

No. 2:17-cv-14148

Hon. Eric L. Clay
Hon. Denise Page Hood
Hon. Gordon J. Quist

**PLAINTIFFS' RESPONSE TO
MOTION TO INTERVENE BY
REPUBLICAN CONGRESSIONAL
DELEGATION**

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Eight of the 9 Republican Michigan Members of Congress (“Applicants”) have moved to intervene by right under FRCP 24(a) or permissively under FRCP 24(b). The Plaintiffs oppose intervention by right and leave to the Court’s discretion whether to allow permissive intervention.

Intervention by right should be denied because the Applicants have no “right” to certain congressional districts and have no substantial legal interest in congressional districts for the 2020 elections at issue here; their minimal interests are adequately represented by Defendant and her legal counsel; and their motion is untimely.

Permissible intervention, if allowed by the Court in its discretion, should be conditioned on Applicants not filing the duplicative motion for stay and meritless motion to dismiss attached to their motion to intervene; not revisiting discovery matters already settled; and conferring with the Defendant in the future to avoid duplicative filings and delay.

For these reasons, explained fully in the brief filed herewith, Plaintiffs pray that the Court deny Applicants’ Motion to Intervene by right under FRCP 24(a) and, if the Court in its discretion grants permissive intervention under FRCP 24(b), the Court order that: 1) the motion to stay and motion to dismiss attached to Applicants’ Motion not be filed; 2) Applicants are bound by the FRCP 26(f) report already filed; 3) Applicants make their FRCP 26(a) disclosures within

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seven (7) days of the Court's order; and 4) that the Applicants and Defendant shall in the future confer so as to avoid duplicative filings and delay.

Respectfully submitted,

Date: March 14, 2018

/s/ Mark Brewer

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CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2018, I electronically filed Plaintiffs' Response to Motion to Intervene by Republican Congressional Delegation foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record in this matter.

/s/Mark Brewer
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