

STATE OF MICHIGAN
IN THE SUPREME COURT

UNLOCK MICHIGAN, GEORGE
FISHER, and NANCY HYDE-DAVIS,
Plaintiffs,

v.

Supreme Court No. 162949

THE BOARD OF STATE
CANVASSERS, JOCELYN BENSON,
in her official capacity as Secretary of
State, and JONATHAN BRATER, in
his official capacity as Director of the
Bureau of Elections,
Defendants.

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**PLAINTIFFS' RESPONSE TO PROPOSED INTERVENING DEFENDANT
KEEP MICHIGAN SAFE'S MOTION TO INTERVENE**

Yesterday, proposed intervening defendant Keep Michigan Safe (“KMS”) filed a Motion to Intervene, Proposed Answer to the Complaint for Mandamus, and a Proposed Response to Plaintiffs’ (“Unlock Michigan”) Brief in Support of its Complaint for Mandamus. As KMS notes in its Motion to Intervene, p. 2, Unlock Michigan does not oppose KMS’s Motion to Intervene.

However, if the Court is inclined to grant KMS’s motion, Unlock Michigan has one housekeeping request: Unlock Michigan asks that any order granting KMS’s motion also state that Unlock Michigan’s Reply to KMS’s Response is due at the same time as Unlock Michigan’s Reply to the State Defendants’ Response. Unlock Michigan filed its complaint and accompanying brief on April 30, 2021. Under MCR 7.306(C), the State Defendants’ Response is due 28 days later—on May 28. And under MCR 7.306(E), Unlock Michigan’s Reply is due 21 days after that—on June 18. The Court should therefore order Unlock Michigan to reply to KMS’s and the State Defendants’ arguments no later than June 18.

Further, the rules appear to contemplate only one Reply Brief. See *id.* (allowing “a” reply brief). Unlock Michigan therefore intends to file a consolidated Reply addressing KMS’s and the State Defendants’ arguments together. But these arguments are complex, and Unlock Michigan will be replying to both original and intervening defendants’ arguments in a single filing. Unlock Michigan therefore strongly suspects that it will move to exceed MCR 7.305(E)(3)’s 10-page limit for reply briefs. If that is the case, Unlock Michigan intend to promptly make that motion after receiving the State Defendants’ Response.

WHEREFORE, Unlock Michigan requests that any order granting KMS's motion also set Unlock Michigan's reply deadlines for June 18.

Respectfully submitted,

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