

Approved, SCAO

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>APPLICATION FOR LEAVE TO APPEAL</b>	<b>CASE NO.</b>
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**Court address** Michigan Court of Claims **Court telephone no.**

Plaintiff's name, address, and telephone no.  Appellant  
 Appellee

Donald J. Trump for President, Inc.,  
and Eric Ostergren

v

Defendant's name, address, and telephone no.  Appellant  
 Appellee

Secretary of State Jocelyn Benson  
Richard H. Austin Building, Fourth Floor  
Lansing, MI 48918 (888) 767-6424

Plaintiff's attorney, bar no., address, and telephone no.  
Mark F. (Thor) Hearne, II (P40231)  
112 S. Hanley Road, Suite 200  
St. Louis, MO 63105  
(314) 296-4000

Defendant's attorney, bar no., address, and telephone no.  
Heather S. Meingast (P55439)  
Attorney General's Office  
PO Box 30736  
Lansing, MI 48909 (517) 335-7659

1. I, Donald J. Trump for President, Inc., and Eric Ostergren, request leave to appeal a judgment/order/decision entered on 11/6/20 in the Court of Claims by Judge Cynthia Stephens.  
Name Date Court name and number or agency Name of judge Bar no.  
The nature of the judgment/order/decision being appealed is denial of emergency injunctive relief regarding the conduct of the election.

2.  No appeal of right exists.  
 The time for taking an appeal under MCR 7.105(A) has expired.  
 An appeal of right exists, but waiting to appeal of right would not be an adequate remedy.
3. This application for leave is being filed  
 a. within the time required by MCR 7.105(A).  
 b. after, but not more than 6 months after, entry of the judgment/order/decision appealed pursuant to MCR 7.105(A).  
(If the application is filed under 3.b, a statement of facts explaining the delay must be attached.)  
 c. because an appeal of right from an agency's order or decision was not timely filed and statute authorizes a late appeal.
4. I allege the following errors. (Attach additional pages as needed.)  
The Court of Claims erred in denying the motion for emergency injunctive relief. Please see the accompanying motion for immediate consideration.
5. I request the following relief. (Attach additional pages as needed.)  
Reversal of the Court of Claims' denial of emergency injunctive relief and an order directing the Court of Claims to grant plaintiffs' motion. See accompanying motion for immediate consideration.
6. The following is my position supporting each issue, as required by MCR 7.212(C). (Attach additional pages as needed.)  
The Court of Claims denied the motion for injunctive relief based upon mootness. This case is not moot because the election is ongoing. See motion for immediate consideration.
7. This is an interlocutory appeal. I will suffer substantial harm by awaiting final judgment before taking an appeal because:  
(Attach additional pages as needed.) The election is ongoing and the harm is still being committed.

11/6/20  
Date

/s/ Mark F. (Thor) Hearne, II  
Appellant signature

**CERTIFICATE OF MAILING**

I certify that on this date I served a copy of this application for leave to appeal on the parties or their attorneys and on the trial court or agency by first-class mail addressed to their last-known addresses as defined by MCR 2.107(C)(3).

11/6/20  
Date

/s/ Mark F. (Thor) Hearne, II  
Signature

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