

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

CHERYL A. COSTANTINO and EDWARD P.
McCALL, JR.,

Plaintiffs,

-vs-

CITY OF DETROIT; DETROIT ELECTION
COMMISSION; Janice M. Winfrey, in
her official capacity as the CLERK OF THE
CITY OF DETROIT and the Chairperson of
the DETROIT ELECTION COMMISSION;
Cathy M. Garrett, in her official
capacity as the CLERK OF WAYNE
COUNTY; and the WAYNE COUNTY
BOARD OF CANVASSERS,

Defendants.

**REPLY BRIEF IN
SUPPORT OF MOTION FOR
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION**

FILE NO: 20-014780-AW

HON. TIMOTHY M. KENNY

GREAT LAKES JUSTICE CENTER

David A. Kallman (P34200)
Erin E. Mersino (P70886)
Jack C. Jordan (P46551)
Stephen P. Kallman (P75622)
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**REPLY BRIEF IN SUPPORT OF MOTION FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION**

Plaintiffs just received an Affidavit from Senator Ruth Johnson (Exhibit 1). Ms. Johnson was Michigan's Secretary of State from January 1, 2011 to January 1, 2019.

Ms. Johnson's sworn statement provides further evidence that court intervention is necessary in this case and an independent audit should be conducted. Plaintiffs request that their Motion for TRO and Preliminary Injunction be granted.

Respectfully submitted,

Dated: November 11, 2020

/s/ David A. Kallman

David A. Kallman (P34200)
Attorney for Plaintiffs

EXHIBIT I

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

CHERYL A. COSTANTINO and EDWARD P.
McCALL, JR.,

Plaintiffs,

AFFIDAVIT OF SENATOR
RUTH JOHNSON

-vs-

CITY OF DETROIT; DETROIT ELECTION
COMMISSION; JANICE M. WINFREY, in
her official capacity as the CLERK OF THE
CITY OF DETROIT and the Chairperson of
the DETROIT ELECTION COMMISSION;
CATHY M. GARRETT, in her official
capacity as the CLERK OF WAYNE
COUNTY; and the WAYNE COUNTY
BOARD OF CANVASSERS,

FILE NO: 20-014780-AW

HON. TIMOTHY M. KENNY

Defendants.

David A. Kallman (P34200)
Erin E. Mersino (P70886)
Jack C. Jordan (P46551)
Stephen P. Kallman (P75622)

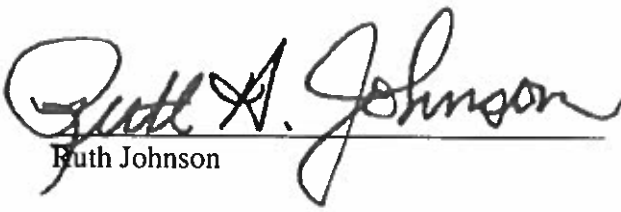
GREAT LAKES JUSTICE CENTER
Attorneys for Plaintiff
5600 W. Mount Hope Hwy.
Lansing, MI 48917
(517) 322-3207/Fax: (517) 322-3208

AFFIDAVIT

The Affiant, Ruth Johnson, being first duly sworn, hereby deposes and states as follows:

1. My name is Ruth Johnson. I am an adult citizen and resident of the State of Michigan.
2. I am currently a Michigan State Senator for the 14th District.

- 3. I served as Michigan's Secretary of State from January 1, 2011 to January 1, 2019. As a prior Secretary of State, I am familiar with Michigan's elections laws, process, and execution.
- 4. I have reviewed Plaintiffs' Complaint and all attached affidavits (including the supplemental affidavit by Mellissa Carone) and I have reviewed the affidavit of Christopher Thomas.
- 5. The allegations and issues raised by Plaintiffs are very concerning to me and, in my opinion, require court intervention. In particular, I am concerned about the illegal activity alleged by Plaintiffs regarding voter coaching at polling places, election staff being instructed not to request photo identification or an affidavit from persons coming to vote, and Mr. Larsen's allegation that ballots were being assigned to random persons on the voter list.
- 6. Based upon my review of these documents, I believe that it would be proper for an independent audit to be conducted as soon as possible to ensure the accuracy and integrity of this election.
- 7. The above information is true to the best of my information, knowledge, and belief.
- 8. Further affiant says not.


 Ruth Johnson

On this 11th day of November, 2020, before me personally appeared Ruth Johnson, who in my presence did execute the foregoing affidavit, and who, being duly sworn, deposes and states that he has read the foregoing affidavit by him subscribed and knows the contents thereof, and that the same is true of his own knowledge and belief, except as to those matters he states to be on information and belief, and as to those matters he believes them to be true.

 Notary Public, _____ County,
 Michigan
 My Commission Expires: _____