

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

DONALD AGEE, JR., an individual, *et al.*,

Plaintiffs,

v.

JOCELYN BENSON, in her official
capacity as the Secretary of State of
Michigan, *et al.*;

Defendants.

Case No. 1:22-cv-00272

**Three-Judge Panel Appointed
Pursuant to 28 U.S.C. § 2284(a)**

**STIPULATION AND CONSENT ORDER
AS TO PLAINTIFFS' FEES AND EXPENSES**

WHEREAS, Plaintiffs Donald Agee, Jr., Jerome Bennett, Dennis Leroy Black, Jr., Jamee Burbridge, Beverly Ann Burrell, Jemell Cotton, Teresa DuBose, Karen Ferguson, Kimberly Hill Knott, Michelle Keeble, Barbara Gail London, Glenda McDonald, Janet Marie Overall, Shirley L. Radden, Davonte Sherard, Michelle T. Smith, Kenyetta Snapp, Donyale Stephen-Atara, and Tanesha Wilson (collectively, the "Plaintiffs") and Defendant Michigan Independent Citizens Redistricting Commission and, the following Defendant Commissioners, in their official capacities, Marcus Muldoon, Juanita Curry, Anthony Eid, Rhonda Lange, Cynthia Orton, Erin Wagner, Brittni Kellom, Elaine Andrade, Donna Callaghan, Steven Lett, Janice Vallette, Richard Weiss, and Rebecca Szetela (collectively, the "Defendants") (all together, the "Parties") by and through their undersigned counsel, have reached a

written settlement agreement regarding Plaintiffs' claims for attorneys' fees, expert fees, and litigation expenses in this matter.

NOW, THEREFORE, THE PARTIES HEREBY AGREE AS FOLLOWS:

1. The Fee Settlement Agreement and this Stipulation was negotiated in good faith and constitutes a settlement of Plaintiffs' claim for attorneys' fees, expert fees, and litigation expenses which claim was disputed by Defendants.

2. No later than ninety (90) days after entry by the Court of this Stipulation and Consent Order, Defendants shall pay Plaintiffs' compromised attorneys' fees, expert fees, and other litigation expenses incurred between the commencement of the Action and April 1, 2024, as follows:

- a. Clark Hill Attorneys' Fees: \$1,140,413.40 (payable to Clark Hill PLC);
- b. Clark Hill Litigation Expenses: \$45,202.62 (payable to Clark Hill PLC);
- c. Bursch Law Attorney Fees: \$381,785.71 (payable to Bursch Law PLLC);
- d. Bursch Law Litigation Expenses: \$2,479.84 (payable to Bursch Law PLLC);
- e. Sean Trende Expert Fees: \$110,300.00 (payable to Clark Hill PLC); and
- f. Brad Lockerbie Expert Fees: \$37,190.29 (payable to Clark Hill PLC).

3. No later than ninety (90) days after entry by the Court of this Stipulation and Consent Order, Defendants shall pay \$100,000.00 of Plaintiffs' attorneys fees, expert fees, and other litigation expenses related to the Senate remedial mapping process and other activities and incurred between April 1, 2024, and June 28, 2024. Defendants' payment of fees and expenses due and owing under this paragraph shall be made payable to Clark Hill PLC which shall hold those funds in trust and disburse those funds to Clark Hill PLC, Bursch Law PLLC, and Sean Trende, as applicable.

4. Within ten (10) days after entry of a Consent Order approving this Stipulation, Plaintiffs will provide Defendants' undersigned counsel with the following information necessary for Defendants to process the payment described in Paragraphs 2 and 3 above by electronic funds transfer: the payee's name, tax identification number, and address as well as the bank name, account type, account number, and bank routing transit number.

5. Receipt of the payments described in Paragraphs 2 and 3 hereof shall operate as a release from any and all claims for attorneys' fees, expert fees, or litigation expenses incurred by Plaintiffs between the commencement of the Action and June 28, 2024.

6. Within 10 days after receipt of the payments under Paragraphs 2 and 3 of this Stipulation, Plaintiffs will file a Notice of Satisfaction.

7. This Stipulation has no precedential value as to attorneys' fees and costs in other cases and shall not be used as evidence in any other attorneys' fees litigation outside of this case.

8. This Stipulation does not constitute an admission by any party to any fact, claim, assertion of violation of any statute or regulation, or defense in this lawsuit. Accordingly, the parties agree that this Stipulation has no precedential value as to any fact, claim, assertion of violation of any statute or regulation, or defense in this lawsuit.

STIPULATION AND PROPOSED CONSENT ORDER APPROVED FOR PLAINTIFFS:

Dated: August 2, 2024	<u>/s/ John J. Bursch</u> John J. Bursch (P57679) BURSCH LAW PLLC 9339 Cherry Valley Ave SE, #78 Caledonia, Michigan 49316 (616) 450-4235 jbursch@burschlaw.com Michael J. Pattwell (P72419) CLARK HILL PLC 215 S. Washington Sq., Ste 200 Lansing, MI 48933 (517) 318-3100 mpattwell@clarkhill.com Counsel for Plaintiffs
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STIPULATION AND PROPOSED CONSENT ORDER APPROVED FOR DEFENDANTS:

Date: August 2, 2024	<u>/s/ David H. Fink</u> FINK BRESSACK David H. Fink (P28235) Nathan J. Fink (P75185) 38500 Woodward Ave., Suite 350 Bloomfield Hills, Michigan 48304 (248) 971-2500 dfink@finkbressack.com nfink@finkbressack.com BAKER & HOSTETLER LLP Katherine L. McKnight Richard B. Raile Dima J. Atiya 1050 Connecticut Ave., NW, Suite 1100 Washington, D.C. 20036 (202) 861-1500 kmcknight@bakerlaw.com
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ORDER

IT IS SO ORDERED.

Dated: August 12, 2024

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge
On Behalf of the Three Judge Court