

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD AGEE, JR. et al.,

Plaintiffs,

v.

JOCELYN BENSON, et al.,

Defendants.

Case No. 1:22-CV-00272-PLM-RMK-JTN

**PLAINTIFFS' AND THE
COMMISSION'S JOINT MOTION FOR
LEAVE TO FILE JOINT APPENDIX**

Plaintiffs and Defendants Michigan Independent Citizens Redistricting Commission, Douglas Clark, Juanita Curry, Anthony Eid, Rhonda Lange, Steven Terry Lett, Brittnei Kellom, Cynthia Orton, M.C. Rothhorn, Rebecca Szetela, Janice Vallette, Erin Wagner, Richard Weiss, and Dustin Witjes, each in his or her official capacity as a Commissioner of the Commission (collectively, the "Commission"), in support of their Joint Motion for Leave to File a Joint Appendix in Support of Dispositive Motions, state as follows:

1. Under the Court's Order Granting Motion to Amend the Dispositive Motion Briefing Schedule, the parties' dispositive motions are due Tuesday, May 9, 2023. (ECF No. 64, PageID.562).

2. Pursuant to LCivR 7.1(b), absent leave of court, "the number of pages of exhibits and attachments that may be filed in support of a motion is limited to either 1) two hundred (200) pages per party, or alternatively, 2) five hundred (500) pages, provided the parties meet and confer and jointly file the agreed upon exhibits and attachments." LCivR 7.1(b) further provides that if leave is granted to exceed these limitations, "the parties will be permitted to file the record they deem appropriate with a joint appendix" that "identif[ies] the documents attached and identif[ies] the specific documents or portion thereof, that the parties believe the court should review."

3. Counsel for the Commission and counsel for Plaintiffs have met and conferred regarding these page limitations to allow the parties to jointly file up to 500 pages of exhibits and attachments in support of each of their dispositive motions.

4. Rather than filing two sets of exhibits of up to 500 pages in support of each dispositive motion, however, the parties propose jointly filing one Joint Appendix, containing up to 500 pages of exhibits and attachments identified by Plaintiffs and up to 500 pages of exhibits and attachments identified by the Commission, not to exceed 1,000 pages.

5. This proposal applies only to dispositive motions to be filed by Plaintiffs and the Commission, and does not apply to any motions that may be filed by the Secretary of State. The Secretary of State takes no position as to this proposal or motion.

6. Good cause therefore exists to permit Plaintiffs and the Commission to jointly file a Joint Appendix in support of their dispositive motions, containing up to 500 pages of exhibits and attachments identified by Plaintiffs and up to 500 pages of exhibits and attachments identified by the Commission, not to exceed 1,000 pages.

7. Pursuant to LCivR5.7(g), a proposed order granting the relief requested herein is attached as **Exhibit A**.

WHEREFORE, the Plaintiffs and the Commission respectfully request that the Court enter an Order granting leave to permit Plaintiffs and the Commission to jointly file a Joint Appendix in support of their forthcoming dispositive motions, containing up to 500 pages of exhibits and attachments identified by Plaintiffs and up to 500 pages of exhibits and attachments identified by the Commission, not to exceed 1,000.

Dated: May 4, 2023

Respectfully submitted,

/s/ John J. Bursch (with permission)

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CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2023, a true and correct copy of the foregoing was filed via the Court's CM/ECF system and served via electronic filing upon all counsel of record in this case.

/s/ Nathan J. Fink
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EXHIBIT A

