

**STATE OF MICHIGAN
IN THE THIRD CIRCUIT COURT FOR THE COUNTY OF WAYNE**

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

Plaintiffs,

v.

Case No. 20-014780-AW

Hon. Timothy M. Kenny, Chief Judge

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,

and

MICHIGAN DEMOCRATIC PARTY,

Defendant-Intervenor.

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**DEFENDANT-INTERVENOR MICHIGAN DEMOCRATIC PARTY'S
MOTION FOR SUMMARY DISPOSITION**

Defendant-Intervenor Michigan Democratic Party (“MDP”), by and through its attorneys, moves for summary disposition of Plaintiffs’ Complaint pursuant to MCR 2.116(C)(8) because Plaintiffs’ lawsuit is moot, Plaintiffs lack standing, and Plaintiffs have otherwise failed to state a claim upon which relief can be granted.

Pursuant to local court rules, MDP sought concurrence from opposing counsel most recently by way of written correspondence dated December 21, 2020, and concurrence was not obtained, making this motion necessary.

Accordingly, for the reasons stated in the accompanying brief, MDP requests that the Court grant this motion and dismiss the Complaint in its entirety with prejudice, closing the case.

Respectfully submitted,

Dated: December 22, 2020

s/ Scott R. Eldridge
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PROOF OF SERVICE

Scott Eldridge certifies that on the 22nd day of December 2020, he served a copy of the above document in this matter on all counsel of record and parties *in pro per* via email.

s/ Scott R. Eldridge
Scott Eldridge

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