

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

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

Plaintiffs,

MOTION FOR TRO, ORDER TO
SHOW CAUSE, AND FOR
PRELIMINARY INJUNCTION

-vs-

FILE NO: 20-_____ -AW

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,

JUDGE

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

**MOTION FOR AN *EX-PARTE* TEMPORARY RESTRAINING ORDER, SHOW CAUSE
ORDER, AND PRELIMINARY INJUNCTION**

NOW COME Plaintiffs, CHERYL A. COSTANTINO AND EDWARD P. McCALL, JR., by and
through their attorneys, GREAT LAKES JUSTICE CENTER, respectfully requests, pursuant to MCR
3.310(B), that this Honorable Court issue an *Ex-Parte* Temporary Restraining Order and an order

to show cause why a preliminary injunction should not be issued pursuant to MCR 3.310(A) for the following reasons and for the reasons outlined in the attached brief in support:

1. On **November 8, 2020**, Plaintiffs, **Cheryl A. Costantino and Edward P. McCall, Jr.**, filed a complaint with this Honorable Court.
2. The preservation of our form of government requires it to conduct its elections with accuracy and integrity, and Defendants' fraudulent actions in the 2020 election were neither accurate nor based on integrity.
3. Plaintiffs' complaint and attached affidavits provide eyewitness accounts and direct evidence of the following:
 - a. Defendants instructed election officials and workers to not verify signatures on absentee ballots, to backdate absentee ballots, and to process such ballots regardless of their validity (Exhibit B).
 - b. During the 2020 November Election, Defendants released untagged, unsecured official ballots from the backdoor of the Department of Elections (Exhibit E).
 - c. Defendants systematically processed and counted ballots from voters whose name failed to appear in either the Qualified Voter File (QVF) or in the Supplemental Sheets (Exhibit A). When a voter's name could not be found, the election worker assigned the ballot to a random name already in the QVF to a person who had not voted (Exhibit A).
 - d. Defendants systematically used false information to process absentee ballots, such as using incorrect birthdays. Many times, Defendant election officials and workers inserted new names into the QVF after the election and recorded these new voters as having a birthdate of 1/1/1900 (Exhibit B).

- e. Neither Defendant election workers nor officials ever verified the signature of an absentee ballot before processing it (Exhibit A).
- f. Ballots were removed from secrecy sleeves before deciding how to process the ballot (Exhibit A).
- g. Unsecured absentee ballots arrived at the TCH Center loading garage unsecured, not in sealed ballot boxes, without any chain of custody, and without envelopes (Exhibit E).
- h. After election officials announced the last absentee ballots had been received, another batch of unsecured and unsealed ballots, without envelopes, arrived in trays. There were approximately 40,000 of these ballots, and every ballot was counted orally and attributed only to Democratic candidates (Exhibit C).
- i. Defendants instructed election officials and workers to process absentee ballots that appeared after the election deadline and to falsely report that those ballots had been received prior to November 3, 2020 deadline (Exhibit B).
- j. Defendant election officials and workers refused to record challenges to their processes and removed challengers from the site after they politely voiced a challenge (Exhibit A).
- k. After poll challengers started discovering the fraud taking place at the TCF Center, Defendant election officials and workers locked credentialed challengers out of the counting room so they could not observe the process (Exhibit A).
- l. Defendant election officials and workers allowed absentee ballots to be duplicated by hand without allowing poll challengers to check if the duplication was accurate. In fact, Defendant election officials and workers repeatedly obstructed poll

challengers from observing. Thousands of ballots were filled out by hand on site without oversight from poll challengers (Exhibit A).

4. For the reasons stated in Plaintiffs' complaint and the attached affidavits, Defendants fraudulently manipulated the November 2020 election results in Wayne County, Michigan.
5. For the reasons stated in Plaintiffs' complaint and attached affidavits, Defendants violated the Michigan Constitution and Michigan Election Law, specifically Mich. Const, art I, § 2; MCL 168.761(2)-(3); MCL 168.767; MCL 168.764a(d); MCL 168.765(1); MCL 168.766; MCL 168.734; MCL 168.741; MCL 168.765a; MCL 168.733; MCL 168.765(5), redressable pursuant to Mich. Const, art 2, sec 4, par 1(h); Mich. Const, art I, § 2; MCL 168.861; and MCL 600.4545(2).
6. For all the same reasons stated in Plaintiffs' complaint and attached affidavits, a protective order is necessary in this case. Defendants should be ordered to preserve and protect all evidence relevant to this case. This protection order should cover all "documents" and "computer records", including but not limited to every type of paper, writing, data, record, graphic, drawing, photograph, audio recording and video recording. Further, these terms include material in all forms, including but not limited to printed, written, recorded, or other, as well as all files, records and data contained in any computer system, computer component and/or computer storage (e.g., hard drive, disc, magnetic tape, backup system, etc.), event logs (local and network events), Windows shell, hypervisor logs, elections officials computers, tabulation computers, adjudication computers, and all routers, correspondence (e.g. letters, memos, text messages, etc.), reports, meeting minutes, memoranda, stenographic or handwritten notes, diaries, notebooks, account books, orders, invoices, statements, bills, checks, vouchers, purchase orders, studies, surveys, charts,

maps, analyses, publications, books, pamphlets, periodicals, catalogues, brochures, schedules, circulars, bulletins, notices, instructions, manuals, journals, e-mails, e-mail attachments, data sheets, work sheets, statistical compilations, data processing cards, microfilms, computer records (including printouts, disks or other magnetic storage media), tapes, photographs (positive or negative prints), drawings, films, videotapes, hard drive recordings, pictures, and voice recordings. Finally, Plaintiffs expressly intend for these terms to include every copy of such writing when such copy contains any commentary or notation whatsoever that does not appear on the original and any attachments or exhibits to the requested document or any other documents referred to in the requested document or incorporated by reference.

7. For all the above reasons, Defendants should be immediately enjoined from certifying Wayne County's November 2020 election results.
8. Plaintiffs have no other adequate remedy at law.
9. Notice to Defendants was not attempted given the serious constitutional and statutory violations in this case. Moreover, there is concern that Defendants may destroy or conceal evidence unless a protective order is immediately entered. Any delay in the issuance of a temporary restraining order until a hearing on a preliminary injunction will result in immediate and irreparable harm to Plaintiffs, a Wayne County voter, and other similarly situated voters in Wayne County. The certification of Wayne County's November 2020 election results, replete with dishonesty and illegalities, undermines election accuracy and integrity and deprives Plaintiffs and other similarly situated voters of Wayne County of the constitutional right of equal protection, so essential to the right to vote.

10. Plaintiffs seek an *ex-parte* temporary restraining order to enjoin the certification of the election results to ensure the accuracy and integrity of the election process. The acts personally observed and attested to by Plaintiffs and affiants demonstrate immediate and irreparable injury and any delay to give notice may precipitate further adverse actions by Defendants. Further, the loss of constitutional freedom, “for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v Burns*, 427 US 347 (1976).
11. This Motion requires immediate consideration because Defendants may certify the election results at any time between now and November 17, 2020. Further, the Michigan Supreme Court recognizes that time-sensitive, election law cases merit immediate consideration. *Scott v Mich Dir of Elections*, 490 Mich 888, 889; 804 NW2d 119, 120 (2011).

WHEREFORE, Plaintiffs respectfully requests that this Honorable Court order the following:

1. Defendants be immediately enjoined and restrained, directly and indirectly, whether alone or in concert with others, including any officer, agent, employee, and/or representative of their present employers, until further order of this Honorable Court, from doing any of the following:
 - a. continuing to count and process absentee and mail-in ballots; and
 - b. certifying the 2020 Wayne County election results.
2. Defendants be ordered to maintain the status quo until this matter can be heard by this Honorable Court.
3. Plaintiff be granted leave to commence discovery immediately.
4. That this order remain in full force and effect until this Honorable Court specifically orders otherwise.
5. That a protective order issue as requested above.

6. Defendants shall show cause before this Honorable Court on _____ at _____, or as soon thereafter as counsel may be heard, why a preliminary injunction should not be ordered according to the terms and conditions set forth above.

Dated: November 8, 2020.

Great Lake Justice Center

By /s/ David A. Kallman _____

David A. Kallman (P34200)

Attorney for Plaintiffs

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

CHERYL A. COSTANTINO and EDWARD P.
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Plaintiff,

-vs-

CITY OF DETROIT; DETROIT ELECTION
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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.

**BRIEF IN SUPPORT OF EX-
PARTE MOTION FOR
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION**

FILE NO: 20-_____-AW
JUDGE

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Great Lakes Justice Center
Attorneys for Plaintiff
5600 W. Mount Hope Hwy.
Lansing, MI 48917
(517) 322-3207/Fax: (517) 322-3208

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

NOW COMES the Plaintiff, CHERYL A. COSTANTINO AND EDWARD P. McCALL, JR.,
by and through their attorneys, the GREAT LAKES JUSTICE CENTER, and for their Brief in Support
of *Ex-Parte* Motion for Temporary Restraining Order and Preliminary Injunction, hereby state as
follows:

INTRODUCTION

A person will never trust the government, if the person cannot trust how the government obtained its power. In America, citizens disagree on many facets of how to order our democratic republic, but one shared truth remains: voting is a fundamental civil right, and no one should take that away from you. Illegal voting practices, however, do take that away by diluting and negating your vote.

Long after the political careers of the opponents who competed in the November 2020 election end, we will be left with the election process we have preserved. For, it is not unreasonable to fear, in a turbulent political climate, that cheating invites more cheating, lies invites more lies, and fraud invites more fraud. Sadly, the November 2020 election in Wayne County, Michigan lacked all accuracy and integrity. Election officials and workers, as they were trained to do, purposely did not authenticate ballots, pre-dated absentee ballots received late, assigned ballots to miscellaneous voter names and birthdates to count illegal ballots, hand duplicated ballots without challengers present to witness whether the duplication was accurate, and wrongly locked challengers out of the counting room entirely. Systematic fraud plagued Defendants' handling of the November 2020 election, and their actions require immediate injunctive relief.

STATEMENT OF FACTS

The election was held on November 3, 2020 and approximately 850,000 votes were reported as cast in Wayne County, Michigan. Plaintiffs bring this action to raise numerous issues of fraud and misconduct that occurred in order to protect the rights of all voters in Michigan, especially Wayne County. In summary, the Complaint raises numerous instances of fraud, including, but not limited to:

- a. Defendants systematically processed and counted ballots from voters whose name failed to appear in either the Qualified Voter File (QVF) or in the supplemental sheets. When a voter's name could not be found, the election worker assigned the ballot to a random name already in the QVF to a person who had not voted.
- b. Defendants instructed election workers to not verify signatures on absentee ballots, to backdate absentee ballots, and to process such ballots regardless of their validity.
- c. After election officials announced the last absentee ballots had been received, another batch of unsecured and unsealed ballots, without envelopes, arrived in trays at the TCF Center. There were tens of thousands of these absentee ballots, and apparently every ballot was counted and attributed only to Democratic candidates.
- d. Defendants instructed election workers to process ballots that appeared after the election deadline and to falsely report that those ballots had been received prior to November 3, 2020 deadline.
- e. Defendants systematically used false information to process ballots, such as using incorrect or false birthdays. Many times, the election workers inserted new names into the QVF after the election and recorded these new voters as having a birthdate of 1/1/1900.
- f. On a daily basis leading up to the election, City of Detroit election workers and employees coached voters to vote for Joe Biden and the Democrat party. These workers and employees encouraged voters to do a straight Democrat ballot. These election workers and employees went over to the voting booths with voters in order to watch them vote and coach them for whom to vote.
- g. Unsecured ballots arrived at the TCF Center loading garage, not in sealed ballot boxes, without any chain of custody, and without envelopes.

h. Defendant election officials and workers refused to record challenges to their processes and removed challengers from the site if they politely voiced a challenge.

i. After poll challengers started discovering the fraud taking place at the TCF Center, Defendant election officials and workers locked credentialed challengers out of the counting room so they could not observe the process, during which time tens of thousands of ballots were processed.

j. Defendant election officials and workers allowed ballots to be duplicated by hand without allowing poll challengers to check if the duplication was accurate. Election officials and workers repeatedly obstructed poll challengers from observing the process and fulfilling their statutory duties. Defendants permitted thousands of ballots to be filled out by hand and duplicated on site without oversight from poll challengers.

In addition to the above, Plaintiffs incorporate all of the facts alleged in their Complaint and attached affidavits. The facts alleged in this case outline severe fraud and/or error committed by Defendants during the election process, which requires Court intervention to protect Plaintiffs' rights.

ARGUMENT

I. GRANTING PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION WILL PRESERVE THE STATUS QUO AND PROTECT THE PLAINTIFFS FROM THE IRREPARABLE HARM OF CERTIFYING THE RESULTS OF A FRAUDULENTLY CONDUCTED ELECTION.

MCR 3.310(B) allows a Court to enter an *ex-parte* temporary restraining order upon a showing that irreparably injury, loss, or damage will result from the delay required to effect notice or that the risk that notice itself will precipitate adverse action before an order can be issued. Plaintiffs, through their complaint and sworn affidavits, establish considerable irregularities and illegalities in the November 2020 election. Defendants' actions permeated through the election

process and affected the result of thousands of ballots. Defendants have yet to certify the results but are required to do so per Michigan Election Law between now and November 17, 2020.

The Court must immediately hear this case prior to the certification of the election results. Defendants' fraudulent actions, established by sworn testimony, including the sworn testimony of a long-time employee of Defendants, demonstrate the need for an order enjoining the certification of the election results.

An *ex-parte* temporary restraining order preserves the "status quo pending a final hearing regarding the parties' rights." *Alliance for the Mentally Ill of Mich. V Dep't of Community Health*, 231 Mich App 647, 655-656, 588 NW2d 133 (1998). Since the results of the November 2020 election have not been certified, the status quo will be preserved by a temporary injunction.

The standard for granting a motion for temporary restraining order and preliminary injunction are the same. The moving party "bears the burden of proving that the traditional four elements favor the issuance of a preliminary injunction." *Detroit Fire Fighters Ass'n IAFF Local 344 v Detroit*, 482 Mich 18, 34, 753 NW2d 579 (2008). Plaintiffs must establish: "(1) the likelihood that the party seeking the injunction will prevail on the merits, (2) the danger that the party seeking the injunction will suffer irreparable harm if the injunction is not issued, (3) the risk that the party seeking the injunction would be harmed more by the absence of an injunction than the opposing party would be by the granting of the relief, and (4) the harm to the public interest if the injunction is issued." *Hammel v Speaker of House of Representatives*, 297 Mich App 641, 647-648; 825 NW2d 616 (2012).

A. Plaintiffs are Likely to Succeed on the Merits.

i. Defendants' Fraudulent Actions Trigger Mich. Const., art. 2, sec. 4, par. 1(h) to Ensure the Integrity and Accuracy of the November 2020 Election in Wayne County.

Plaintiffs' Complaint and attached sworn affidavits describe the systemic fraud that plagued the November 2020 election in Wayne County. Defendants committed numerous violations of law through the constitutional and statutory violations outlined in the Complaint.

Defendants' fraudulent actions challenge Plaintiffs' right to election integrity and equal protection of the law under the Michigan Constitution. A free and fair election is an essential right in America. To ensure this right, the citizens of Michigan amended the Michigan Constitution by referendum in 2018. Article II, Section 4. Paragraph 1(h) of the Michigan Constitution now states that every citizen has "[t]he right to have the results of statewide elections audited, in such a manner as prescribed by law, to ensure the accuracy and integrity of elections." Plaintiffs have the right to ensure the accuracy and integrity of the election process in Wayne County through an audit of the election. The Court of Appeals held:

There is no dispute among the parties that the rights in Const 1963, art 2, § 4(1) are self-executing. "A constitutional provision is deemed self-executing, if it supplies a sufficient rule, by means of which the right given may be enjoyed and protected, or the duty imposed may be enforced[.]" *League of Women Voters of Mich. v Secretary of State*, __ Mich App __, __; __ N.W.2d __ (2020) (Docket Nos. 350938, 351073); slip op at 11 (quotation marks and citation omitted). While the Legislature may not impose additional obligations on a self-executing constitutional provision, *Wolverine Golf Club v Secretary of State*, 384 Mich. 461, 466; 185 N.W.2d 392 (1971); *Durant v Dep 't of Ed* (On Second Remand), 186 Mich. App. 83, 98; 463 N.W.2d 461 (1990), it may enact laws that supplement a self-executing constitutional provision, see *Wolverine Golf Club*, 384 Mich. at 466. Statutes that supplement a self-executing constitutional provision may not curtail the constitutional rights or place any undue burdens on them. See *id*; *Durant*, 186 Mich. App. at 98. Additionally, the statutes must be in harmony with the spirit of the Michigan Constitution and their object must be to further the exercise of the constitutional rights and make them more available. *League of Women Voters of Mich.*, __ Mich App at __; slip op at 11.

Vote v Secretary of State, ___ Mich App ___, ___; ___ NW2d ___ (2020) (Docket Nos. 353977, 354096); slip op at 14 (Exhibit G).

Plaintiffs have a constitutional right to ensure the accuracy and integrity of elections through an independent audit. This is especially so when there is systematic and widespread fraud as outlined in Plaintiffs' Complaint.

ii. Defendants Violate Plaintiffs' Fundamental Right to Vote under the Equal Protection Clause.

The Michigan Constitution requires that "[n]o person shall be denied the equal protection of the laws." Mich Const 1963, art I § 2. This rule of law holds especially true when governmental officials violate a fundamental right, such as the right to vote. *Zablocki v Redhail*, 434 US 374, 388, 98 SCt 673 (1978). Michigan election law requires that a person's right to vote is not "diluted by those [votes] cast by fraudulent voters." *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71*, 479 Mich 1, 7, 740 NW2d 444, 448 (2007). This means that the fundamental right to vote "is protected in more than the initial allocation of the franchise. Equal protection applies as well to the manner of its exercise. Having once granted the right to vote on equal terms, the State may not, by later arbitrary and disparate treatment, value one person's vote over that of another." *Bush v Gore*, 531 US 98, 103, 121 S Ct 525, 530 (2000). State action that lacks a clear standard and permits unequal evaluation of ballots is unconstitutional because it fails to equally protect the rights of all voters. *Id.* at 110.

Defendants' fraudulent actions lacked clear standards. Indeed, Defendants broadly instructed election workers not to authenticate ballots and to engage in other illegal activity. The result: an election process replete with fraud, resulting in the unequitable treatment and dilution of Plaintiffs' fundamental right to vote.

iii. Defendants Violated Plaintiffs' Statutory Rights.

MCL 168.733 requires:

- (1) The board of election inspectors shall provide space for the challengers within the polling place that enables the challengers to observe the election procedure and each person applying to vote. A challenger may do 1 or more of the following:
 - (a) Under the scrutiny of an election inspector, inspect without handling the poll books as ballots are issued to electors and the electors' names being entered in the poll book.
 - (b) Observe the manner in which the duties of the election inspectors are being performed.
 - (c) Challenge the voting rights of a person who the challenger has good reason to believe is not a registered elector.
 - (d) Challenge an election procedure that is not being properly performed.
 - (e) Bring to an election inspector's attention any of the following:
 - (i) Improper handling of a ballot by an elector or election inspector.
 - (ii) A violation of a regulation made by the board of election inspectors pursuant to section 742.
 - (iii) Campaigning being performed by an election inspector or other person in violation of section 744.
 - (iv) A violation of election law or other prescribed election procedure.
 - (f) Remain during the canvass of votes and until the statement of returns is duly signed and made.
 - (g) Examine without handling each ballot as it is being counted.
 - (h) Keep records of votes cast and other election procedures as the challenger desires.
 - (i) Observe the recording of absent voter ballots on voting machines.

Per eyewitness accounts described in this Complaint and its attached sworn affidavits, Defendants habitually and systematically failed to provide space for poll challengers from the Republican party, including Plaintiffs, to observe election procedure, failed to allow the inspection of poll books, failed to share the names of the electors being entered in the poll books, failed to allow the examination of each ballot as it was being counted, and failed to keep records of obvious and observed fraud.

Poll challengers observed election workers and supervisors writing on ballots themselves to alter them, apparently changing spoiled ballots by hand, and then counting the ballots as valid. They also counted absentee ballots returned late, counting unvalidated and unreliable ballots, and

counting the ballots of voters who had no recorded birthdates and were not registered in the State's Qualified Voter File or on any supplemental sheets. Defendants violated Plaintiffs' statutory rights by prohibiting poll challengers from fulfilling their duties.

MCL 168.765(5) requires:

- a. The clerk must post before 8:00 a.m. on Election Day: 1) the number of absent voter ballots distributed to absent voters 2) the number of absent voter ballots returned before Election Day and 3) the number of absent voter ballots delivered for processing.
- b. The clerk must post before 9:00 p.m. on Election Day: 1) the number of absent voter ballots returned on Election Day 2) the number of absent voter ballots returned on Election Day which were delivered for processing 3) the total number of absent voter ballots returned both before and on Election Day and 4) the total number of absent voter ballots returned both before and on Election Day which were delivered for processing.
- c. The clerk must post immediately after all precinct returns are complete: 1) the total number of absent voter ballots returned by voters and 2) the total number of absent voter ballots received for processing.

Defendants failed to post by 8:00 a.m. on Election Day the number of absentee ballots distributed to absent voters and failed to post before 9:00 p.m. the number of absent voters returned before on Election Day. Moreover, as outlined in the Complaint, Defendants systematically permitted ballots to be added to the voter rolls after 9:00 p.m. on November 3, 2020. Despite MCL 168.764a requiring that any ballot received after that time to not be counted, Defendants violated this requirement.

Finally, Defendants violated MCL 168.765a. The statute requires that absentee ballots must only be counted when "at all times" there is "at least 1 election inspector from each major political party." As outlined in the Complaint, Defendants habitually and systematically denied election inspectors to be present in the voter counting place and refused access to election inspectors to be within a close enough distance from the absentee ballots to be able to see for whom the ballots

were cast. These violations amount to severe statutory violations and deprived Plaintiffs and all citizens of Wayne County of having a free and fair election.

B. Plaintiffs Will Suffer Irreparable Harm.

Plaintiffs face a real and imminent danger of irreparable harm if injunctive relief is not granted. The “loss of a constitutional right constitutes irreparable harm which cannot be adequately remedied by an action at law.” *Garner v Mich State Univ*, 185 Mich App 750, 764, 462 NW2d 832 (1990). Defendants’ actions violate Plaintiffs’ fundamental right to vote and right to the equal protection of the law.

C. Plaintiffs Will Suffer Greater Harm if Injunctive Relief Is Not Given Than Any Potential Harm to the State.

If injunctive relief is not granted, Plaintiffs’ will sustain the sting of the loss of their constitutional freedoms. However, if the State is temporarily enjoined, then it loses little as it is preeminent that the court ensure that the election process is conducted without fraud, by clear and fair standards that conform with the Michigan Constitution and state law. As outlined above, deprivation of a constitutional right is greater than any speculated harm alleged by the State.

D. The Public Interest Weighs in Favor of Granting Temporary Injunctive Relief.

The public interest also weighs in favor of Plaintiffs. “Confidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy.” *Purcell v Gonzalez*, 549 US 1, 6 (2006). It is not in the public interest to allow Defendants’ actions to continue without investigation or an independent audit.

CONCLUSION

All four factors for granting an *ex-parte* Temporary Restraining Order and Preliminary Injunction weigh in Plaintiffs' favor. For all the foregoing reasons, Plaintiffs respectfully request that this Honorable Court grant their Petition for Review and Motions, and enter the accompanying proposed order, and grant such other relief that is appropriate.

Respectfully submitted,

Dated: November 8, 2020

/s/ David A. Kallman

David A. Kallman (P34200)

Attorney for Plaintiff

5600 W. Mount Hope Hwy.

Lansing, MI 48917

(517) 322-3207

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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.

**EX-PARTE TEMPORARY
RESTRAINING ORDER**

**FILE NO: 20- _____-AW
JUDGE**

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GREAT LAKES JUSTICE CENTER
Attorneys for Plaintiff
5600 W. Mount Hope Hwy.
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EX-PARTE TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE

**At a session of court held in the courthouse in Detroit,
Michigan, on the ____ day of November, 2020.**

Present: Honorable _____, Circuit Judge

Plaintiffs have filed a Complaint with supporting affidavits and Motion for Temporary Restraining Order with supporting Brief. This Honorable Court having reviewed these documents, it appears that unless this Honorable Court enters a protective order and also restrains and enjoins Defendants from certifying the Wayne County 2020 general election results until Defendants conduct an independent and non-partisan audit to determine the accuracy and integrity of the

November 3, 2020 election, the fraudulently manipulated absentee and mailed-in ballots cast and counted will stand. Plaintiff will suffer irreparable harm because of the disenfranchisement of not only the voters of Wayne county, but the voters of Michigan, due to the overwhelming and material evidence of voter fraud committed that will sufficiently taint the results of the 2020 general election of Michigan and the United States. The Court being otherwise fully informed in the premises:

IT IS HEREBY ORDERED:

1. Defendants are restrained from certifying the Wayne county November 3, 2020, election results until further order of the Court.
2. The injunctive relief against Defendants is binding, in accordance with MCR 3.310(C)(4), on Defendants' officers, agents, servants, employees, and attorneys and on all persons in active concert or participation with them who receive notice of this order by personal service or otherwise.
3. Defendants are enjoined from destroying all evidence in this matter and shall preserve and protect all evidence relevant to this case. This protection order covers all "documents" and "computer records," including but not limited to every type of paper, writing, data, record, graphic, drawing, photograph, audio recording and video recording. Further, these terms include material in all forms, including but not limited to printed, written, recorded, or other, as well as all files, records and data contained in any computer system, computer component and/or computer storage (e.g., hard drive, disc, magnetic tape, backup system, etc.), event logs (local and network events), Windows shell, hypervisor logs, elections officials computers, tabulation computers, adjudication computers, and all routers, correspondence (e.g. letters, memos, text messages, etc.), reports, meeting minutes, memoranda, stenographic or

handwritten notes, diaries, notebooks, account books, orders, invoices, statements, bills, checks, vouchers, purchase orders, studies, surveys, charts, maps, analyses, publications, books, pamphlets, periodicals, catalogues, brochures, schedules, circulars, bulletins, notices, instructions, manuals, journals, e-mails, e-mail attachments, data sheets, work sheets, statistical compilations, data processing cards, microfilms, computer records (including printouts, disks or other magnetic storage media), tapes, photographs (positive or negative prints), drawings, films, videotapes, hard drive recordings, pictures, and voice recordings. Finally, Plaintiff expressly intends for these terms to include every copy of such writing when such copy contains any commentary or notation whatsoever that does not appear on the original and any attachments or exhibits to the requested document or any other documents referred to in the requested document or incorporated by reference.

4. Security is not required for issuing this restraining order because Defendants will not experience any monetary loss to maintain the status quo while this Honorable Court reviews this matter. Further, this is a matter of public interest.
5. Defendants will appear before this Honorable Court on the _____ day of November, 2020, at _____ .m. to show cause why this restraining order should not be made a preliminary injunction.
6. A copy of the Summons, Complaint with all attachments, Motion for Temporary Restraining Order, Affidavits, and this Order will be served on Defendants on or before November _____ 2020, and Plaintiffs will file a proof of service.

This Order is issued on the ____ day of November, 2020.

Dated: November ____, 2020.

 Circuit Court Judge