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

DONALD AGEE, JR. et al.,

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

Plaintiffs,

v.

JOCELYN BENSON, et al.,

Defendants.

#### NOTICE OF THE MICHIGAN INDEPENDENT CITIZENS REDISTRICTING COMMISSION CONCERNING ADOPTION OF FINAL REMEDIAL PLAN

PLEASE TAKE NOTICE that, on February 28, 2024, the Michigan Independent Citizens Redistricting Commission (the "Commission") vote i, in accordance with Mich. Const. art. 4, § 6 and pursuant to this Court's order of January 11, 2024 (ECF No. 156), to adopt a final remedial plan for the Michigan House of Representatives. Copies of Commission Resolutions 2024.02.13 and 2024.02.15, formally adopting the final remedial plan, are attached as Exhibit A.

PLEASE TAKE FURTHER NOTICE that, as reported in the Commission's February 2, 2024, Notice (ECF No. 165), the Commission published ten proposed plans for notice-and-comment, including a plan titled Motown Sound. (ECF No. 165-4, PageID.5372). The Commission allowed a period of public comment between February 2, 2024, and February 23, 2024, a period not less than 21 days, as directed by this Court's January 11, 2024, Order (ECF No. 156). The Commission further conducted three public hearings as previously noticed (ECF No. 165, PageID.5367) to gather public input on the proposed plans: a virtual town hall was held on February 15, 2024, and two in-person hearings were held in the City of Detroit on February 21 and 22, 2024.<sup>1</sup>

<sup>&</sup>lt;sup>1</sup> The transcripts, notices, and other materials for these hearings are available on the Commission's website at <u>https://www.michigan.gov/micrc/meeting-notices-and-materials</u>.

Following the hearings and the close of the public comment period, the Commission met on February 27 and 28, 2024, to review and adopt a final remedial plan. During that process, the Commission made certain modifications to the Motown Sound plan, which after further review and discussion, the Commission voted to adopt the Motown Sound FC E1 plan as the final remedial plan for the Michigan House of Representatives. See Ex. A. The final vote to adopt Motown Sound FC E1 was a vote of 10-3, including at least two affirmative votes of Commissioners from each major political party, and two from Commissioners not affiliating with either such party. Id.

The Motown Sound FC E1 plan and its accompanying data, including shapefiles, population statistics, partisan-fairness scores, and VRA data and analysis, are publicly available on the Commission's website at <u>https://www.michigan.gov/micrc/mapping-</u> process-2024/final-remedial-state-house-plan. A depiction of the Detroit area in that plan is EDFROMDENO attached as Exhibit B.<sup>2</sup>

Dated: March 1, 2024

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Respectfully submitted,

/s/ David H. Fink\_ FINK BRESSACK David H. Fink Nathan J. Fink 38500 Woodward Ave., Suite 350 Bloomfield Hills, Michigan 48304 (248) 971-2500 dfink@finkbressack.com nfink@finkbressack.com

Counsel for Defendants, Michigan Independent Citizens Redistricting Commission, and Elaine

<sup>&</sup>lt;sup>2</sup> As explained in the Commission's February 2, 2024, Notice (ECF No. 165, PageID.5367), this rendering depicts all districts in the Motown Sound FC E1 plan that were modified, but does not include a statewide rendering because of technical limitations with the Court's electronic filing system. The full statewide plan is available on the Commission's website.

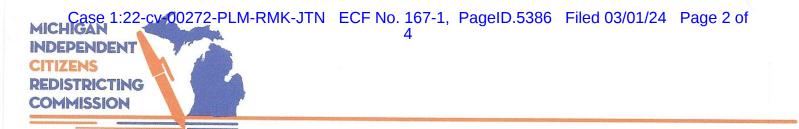
BAKER & HOSTETLER LLP Patrick T. Lewis Key Tower, 127 Public Square, Suite 2000 Cleveland, Ohio 44114 (216) 621-0200 plewis@bakerlaw.com

BAKER & HOSTETLER LLP Erika D. Prouty 200 Civic Center Drive Suite 1200 Columbus, Ohio 43215 (614) 228-1541 eprouty@bakerlaw.com Andrade, Donna Callaghan, Juanita Curry, Anthony Eid, Rhonda Lange, Steven Terry Lett, Brittni Kellom, Marcus Muldoon, Cynthia Orton, Rebecca Szetela, Janice Vallette, Erin Wagner, and Richard Weiss, each in his or her official capacity as a Commissioner of the Michigan Independent Citizens Redistricting Commission

REFRIENTED FROM DEMOCRACY DOCKET, CON

# EXHIBIT A

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### **Resolution 2024.02.13** Michigan Independent Citizens Redistricting Commission **Adopt Final Remedial State House Plan**

### Presented February 28, 2024

RESOLVED, that the Michigan Independent Citizens Redistricting Commission (MICRC) hereby adopts a Final Remedial State House Plan pursuant to order of the U.S. District Court for the Western District of Michigan in the Agee, et al. v. Benson, et al. matter.

MOTION TO AMEND: YES x NO

	Main	Amendment
Motion by Commissioner	Steven T. Lett	
Second by Commissioner	Richard Weiss	

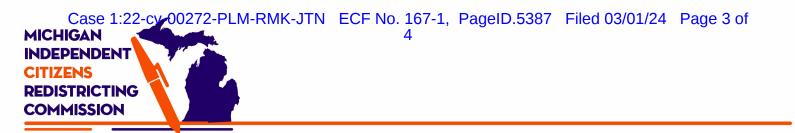
#### **RESULT**:

Cynthia Orton-Motown Sound FC E1, affiliates with Republicans Janice Vallette-Motown Sound FC E1, affiliates with neither major party Elaine Andrade-Motown Sound FC E1, affiliates with Democrats Donna Callaghan-Motown Sound FC E1 affiliates with Democrats Juanita Curry-Motown Sound FC E1, affiliates with Democrats Anthony Eid-Motown Sound FC EI, affiliates with neither major party Brittni Kellom-Motown Sound FCE1, affiliates with Democrats Rhonda Lange-Water Lily, affiliates with Republicans Steven T. Lett-Motown Sound FC E1, affiliates with neither major party Marcus Muldoon-Motown Sound FC E1, affiliates with Republicans Rebecca Szetela-Szetela Version 4, affiliates with neither major party Erin Wagner-Szetela Version 4, affiliates with Republicans Richard Weiss-Motown Sound FC E1, affiliates with neither major party

Motown Sound FC E1 adopted as Final Remedial State House Remedial Plan for the U.S. District Court for the Western District of Michigan in the Agee, et al v. Benson, et al. matter, 10-3. It meets the constitutional requirement of having at least two members from each major party, and two members who do not affiliate with neither major party. The ten votes represent four who affiliate with Democrats, four who affiliate with Republicans, and two who affiliate with neither major party.

Cynthias. Often Cynthia Orton, Chairperson

February 28, 2024



## Resolution 2024.02.15 Michigan Independent Citizens Redistricting Commission Adoption of Remedial State House Plan to Comply with Order of Court in *Agee v. Benson*, No. 1:22-cv-00272 (W.D. Mich. Jan. 11, 2024)

## Presented February 28, 2024

RESOLVED, that the Michigan Independent Citizens Redistricting Commission (MICRC) hereby adopted Motown Sound FC E1, a remedial State House plan, by roll-call vote.

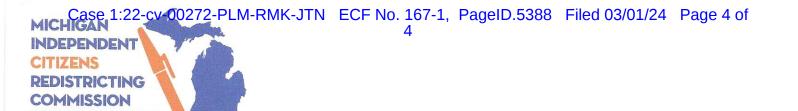
FURTHER RESOLVED, that the plan adopted by this Resolution is effective for the elections for the year 2024 and subsequent years unless the Supreme Court of the United States or other federal court of competent jurisdiction reverses, stays, vacates, or otherwise invalidates or disturbs the decision and injunction of the United States District Court for the Western District of Michigan in the action styled *Agee v. Benson*, Case No. 1:22-cv-00272, holding unconstitutional the "Hickory" State House Plan adopted by this Commission as it existed prior to the enactment of this Resolution (or the decision and injunction are otherwise enjoined, made inoperable, or ineffective), and in any such case the prior "Hickory" State House Plan will again be effective. *See Hunt v. Cromartie*, 526 U.S. 541, 545 n.1 (1999).

MOTION TO AMEND: \_\_\_\_YES \_\_\_X\_\_NO

	Main	Amendment
Motion by Commissioner	Steven T. Lett	
Second by Commissioner	Richard Weiss	

RESULT: Motion approved, 9-4.

Commissioner Andrade (D)	Yes
Commissioner Callaghan (D)	Yes
Commissioner Curry (D)	Yes
Commissioner Eid (I)	Yes
Commissioner Kellom (D)	No
Commissioner Lange (R)	No
Commissioner Lett (I)	Yes
Commissioner Muldoon (R)	Yes
Commissioner Orton (R)	Yes
Commissioner Szetela (I)	No
Commissioner Vallette (I)	Yes



Commissioner Wagner (R)	No	
Commissioner Weiss (I)	Yes	

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Cynthia Orton, Chairperson

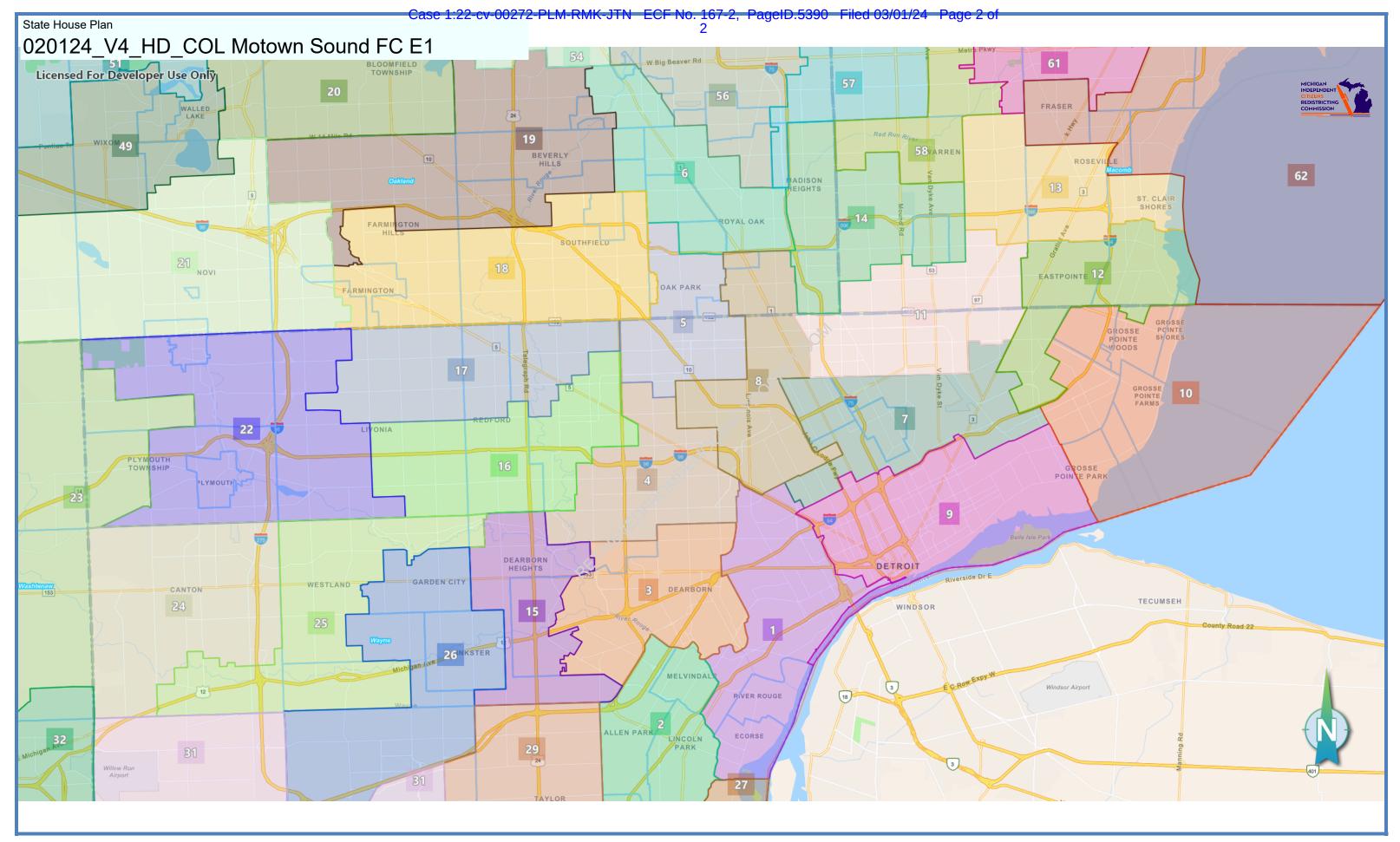
February 28, 2024

PERPERMENTER

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## EXHIBIT B

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Motown Sound FC E1 MAP - Based on: 2020 Census Geography, 2020 PL94-171 Map Date: 2/27/2024 2:11:19 PM Last Edit:2/27/2024 1:30:44 PM

