

**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)

**NOTICE OF SUBMISSION OF
PROPOSED REMEDIAL SENATE PLAN TIMELINE**

Plaintiffs and Defendants, the Michigan Independent Citizens Redistricting Commission and its Commissioners (collectively, the “Commission”), by counsel, respectfully propose the following as a Senate remedial-plan timeline in accordance with this Court’s Scheduling Order of April 2, 2024 (ECF No. 176, PageID.5857):

PROPOSED TIMELINE

1. The Commission shall submit to this court—and make available on its own website—newly drawn remedial plan(s) for Michigan Senate Districts 1, 3, 6, 8, 10, and 11 and for any other districts as reasonably necessary to cure the unconstitutional racial gerrymanders, no later than **May 22, 2024**.
2. The Commission shall provide for public comment on its proposed remedial plan (or plans). The public-comment period shall conclude no later than

- June 21, 2024.** The Commission must hold at least **one** public hearing in Detroit to solicit community input regarding its proposed plan(s).
3. The Commission shall adopt and submit to this court a final remedial Senate plan no later than **June 27, 2024.**
 4. Plaintiffs must file any objections to the Commission’s adopted plan by **July 5, 2024.**
 5. The defendants’ responses to any objections must be filed by **July 12, 2024.**
 6. The Reviewing Special Master shall submit to this court—on the public docket, by **July 12, 2024**—his report regarding whether the plan adopted by the Commission lawfully remedies the constitutional violations identified in this court’s December 21, 2023, opinion and order.
 7. The parties may each file briefs commenting on the Reviewing Special Master’s report no later than **July 19, 2024.**
 8. The Court will approve a remedial Senate plan no later than **July 26, 2024.**

ADDITIONAL MATTERS

In connection with this proposed timeline, the Commission also raises two related matters for the Court’s consideration.

First, the timeline proposed above does not contemplate the engagement of a Mapping Special Master to draw an alternative remedial Senate plan prior to July 26. The Court did appoint a Mapping Special Master to draw an “alternative” plan for the House, contemporaneously with the Commission’s work, as a “safeguard” due to the “very little time” the Court had to adopt a remedial House plan in time for the

2024 primary elections. *See* Order, ECF No. 156, PageID.5150 (Jan. 11, 2024). The Mapping Special Master’s work and plan were ultimately not considered, but did result in an invoice in the amount of \$40,125. Because the Court is not operating under the same time constraints in the Senate, the Commission requests that the Court defer any remedial proceedings involving a Mapping Special Master until after July 26, in the event the Court rejects the Commission’s adopted proposed remedial Senate plan. The Commission respectfully submits that such a bifurcated process better serves judicial economy. The Commission consulted with Plaintiffs regarding this request, and Plaintiffs have indicated they do not oppose this request.

Second, on March 7, 2024, the Mapping Special Master did email his invoice in the amount of \$40,125, to Commission counsel, which counsel promptly forwarded to all parties’ counsel. Pursuant to the Court’s two orders pertaining to the Mapping Special Master, ECF Nos. 156 and 158, the Commission is to pay such invoice “subject to the court’s approval.” The Commission is not aware of a Court order approving such invoice for payment. The Commission would welcome the Court’s directives as to how this invoice (and other Special Master invoices) should undergo consideration for approval and any process for objections.

Respectfully submitted this 12th day of April, 2024,

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