

STATE OF MICHIGAN

IN THE THIRD JUDICIAL CIRCUIT COURT FOR THE COUNTY OF WAYNE

KRISTINA KARAMO; PHILIP
O'HALLORAN, MD; BRANDEN
GIACOBZAAI; TIMOTHY MAHONEY;
KRISTIE WALLS; PATRICIA FARMER;
and ELECTION INTEGRITY FUND AND
FORCE,

Plaintiff,

v.

Case No. 22-012759-AW
Hon. Timothy M. Kenny

JANICE WINFREY, in her official capacity
As the CLERK OF THE CITY OF DETROIT;
CITY OF DETROIT BOARD OF
ELECTION INSPECTORS, in their official
capacity.

Defendants.

v.

Gwendolyn Babb; Matthew Bakko;
Alexander Howbert; Priorities USA; and
Detroit/Downriver Chapter of
The A. Philip Randolph Institute,

[Proposed] Intervenor
Defendants.

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OPINION & ORDER

At a session of this Court
Held on: November 2, 2022
In the Coleman A. Young Municipal Center
County of Wayne, Detroit, MI

PRESENT: Honorable Timothy M. Kenny
Chief Judge
Third Judicial Circuit Court of Michigan

Proposed intervenor defendants Gwendolyn Babb, Matthew Bakko, Alexander Howbert, Priorities USA and Detroit/Downriver Chapter of the A. Philip Randolph Institute seek to intervene in the present case claiming they should be granted intervention as a matter of right or that the Court should grant permissive intervention. For the reasons stated below, the Court denies the proposed intervenors motion.

MCR 2.209 (A)(3) controls the issue of intervention as a matter of right. The court rule requires that 1) there be a timely application to intervene, 2) the applicant claims an interest relating to the issue such that the disposition of the action may as a practical matter impair or impede the proposed intervenors ability to protect their interest and 3) that the applicant's interest is inadequately represented by the existing parties.

Proposed intervenors submitted their motion on November 1, 2022, after this Court had already heard one motion (for disqualification) on October 31, 2022, and conducted two status conferences with the existing parties on November 1, 2022 before the proposed intervenor's pleadings were received by this Court. An evidentiary hearing is

scheduled for 8:30 AM on Thursday, November 3, 2022. The guidelines for the scope of the hearing were established at a status conference conducted on November 2, 2022. Given the status of the proceedings at this time, this Court finds the proposed motion to intervene is untimely.

This Court is not satisfied the proposed intervenors interest may be impaired by the conduct and resolution of this case. The Clerk of the City of Detroit has a vital interest in representing the interest of all absentee voters in the City of Detroit. The Detroit City Clerk is represented by the City of Detroit's Corporation Counsel, a former Chief Justice of the Michigan Supreme Court, as well as highly-regarded election law attorneys. The interests of the proposed intervenors are adequately represented.

Alternatively, proposed intervenors claim they should be granted permissive intervention pursuant to MCR 2.209 (B). The Court has discretion to grant permissive intervention. The court rule indicates the Court should consider whether intervention would unduly delay or prejudice the adjudication of the rights of the original parties. As stated above, the proposed intervenors have entered the eve of the evidentiary hearing on Plaintiffs' request for equitable relief. Intervention at this time would cause undue delay in light of the pending election in five days.

For the reasons stated above, the proposed motion to intervene is DENIED.

This is not a final order and this does not close the case.

November 2, 2022
Date


Hon. Timothy M. Kenny
Chief Judge
Third Judicial Circuit Court of Michigan