

**THE STATE OF MICHIGAN
COURT OF CLAIMS**

PHILIP M. O'HALLORAN, M.D., BRADEN
GIACOBAZZI, ROBERT CUSHMAN, PENNY
CRIDER, and KENNETH CRIDER,

Plaintiffs,

v.

JOCELYN BENSON, in her official capacity as
the duly elected Secretary of State, and
JONATHAN BRATER, in his official capacity
as DIRECTOR OF ELECTIONS,

Defendants,

and

DETROIT/DOWNRIVER CHAPTER OF THE
A. PHILIP RANDOLPH INSTITUTE,

Proposed Intervenor-Defendant.

RICHARD DEVISSER, MICHIGAN
REPUBLICAN PARTY, and REPUBLICAN
NATIONAL COMMITTEE,

Plaintiffs,

v.

JOCELYN BENSON, in her official capacity as
the duly elected Secretary of State, and
JONATHAN BRATER, in his official capacity
as DIRECTOR OF ELECTIONS,

Defendants,

and

DETROIT/DOWNRIVER CHAPTER OF THE
A. PHILIP RANDOLPH INSTITUTE,

Proposed Intervenor-Defendant.

Case No. 22-00162-MZ

HON. BROCK A. SWARTZLE

Case No. 22-00164-MZ

HON. BROCK A. SWARTZLE

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**Pro hac vice motion forthcoming*

**10/13/2022 MOTION OF DETROIT/DOWNRIVER CHAPTER OF THE A. PHILIP
RANDOLPH INSTITUTE FOR IMMEDIATE CONSIDERATION OF THEIR 10/13/2022
MOTION TO INTERVENE AS DEFENDANTS OR, IN THE ALTERNATIVE,
PARTICIPATE AS AMICUS CURIAE**

The Downriver/Detroit Chapter of the A. Philip Randolph Institute (“DAPRI”) respectfully moves for immediate and expedited consideration of DAPRI’s Motion to Intervene as a defendant or, in the alternative, participate as Amicus Curiae. Plaintiffs Phillip M. O’Halloran, Braden Giacobazzi, Robert Cushman, Penny Crider, and Kenneth Crider filed a complaint against Secretary of State Benson and Director Brater on September 28, 2022. Plaintiffs Richard DeVisser, the Michigan Republican Party and the Republican National Committee filed a verified complaint against Secretary Benson and Director Brater on September 30, 2022. These two cases were consolidated on October 3, 2022. DAPRI filed on October 13, 2022 their Motion to Intervene or, in the Alternative, Participate as Amici Curiae; proposed Answers; and proposed Motion for Summary Disposition and accompanying Brief in Support or, in the alternative, proposed Amicus Brief.

Plaintiffs’ lawsuits invite this Court to enjoin or overturn instructions issued by the Secretary of State explaining the rights and duties of election challengers and poll watchers. The instructions at issue were published in May 2022, two months before the August 2022 primary election. Plaintiffs have had five months to evaluate the instructions and witnessed their practical effect during the August primary election. Nonetheless, Plaintiffs waited to file these lawsuits until five weeks before Election Day. In the meantime, DAPRI and similar organizations have dedicated significant resources toward recruiting and training poll watchers based on the May 2022 instructions. Now, DAPRI risks disruption to its poll watchers’ uniform training. Immediate consideration of DAPRI’s Motion to Intervene or, in the Alternative, Participate as Amicus Curiae, is necessary to allow DAPRI to vindicate the interests of its members without delaying a decision on the merits.

Dated: October 13, 2022

Respectfully submitted,

s/ Sarah S. Prescott
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**Pro hac vice motion forthcoming*

PROOF OF SERVICE

Sarah Prescott certifies that on the 13th day of October 2022, she served a copy of the above document in this matter on all counsel of record and parties *in pro per* via MiFILE.

s/ Sarah S. Prescott
Sarah Prescott