

**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.

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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

Ann M. Howard (P49379)  
ANN M. HOWARD, P.C.  
26100 American Drive, #607  
Southfield, MI 48034  
(248) 752-0650  
ahoward@annhowardlaw.com  
*Attorneys for Plaintiffs in 22-162-MZ*

Charles R. Spies (P83260)  
Robert L. Avers (P75396)  
Thomas F. Christian III (P83146)  
DICKSON WRIGHT, PLLC  
350 S. Main, Ste. 300  
Ann Arbor, MI 48104  
(734) 623-1672  
cspies@dickinsonwright.com  
ravers@dickinsonwright.com  
tchristian@dickinsonwright.com  
*Attorneys for Plaintiffs in 22-164-MZ*

Scott R. Eldridge (P66452)  
Scott R. Lesser (P72446)  
Wendolyn Wrosch Richards (P67776)  
MILLER, CANFIELD, PADDOCK AND  
STONE, PLC  
One Michigan Ave., Suite 900  
Lansing, MI 48933  
(517) 487-2070  
eldridge@millercanfield.com  
lesser@millercanfield.com  
richards@millercanfield.com  
*Attorneys for Proposed Amicus Curiae  
The Michigan Democratic Party*

Erik A. Grill (P64713)  
Heather S. Meingast (P55439)  
Assistant Attorneys General  
P.O. Box 30736  
Lansing, Michigan 48909  
517.335.7659  
grille@michigan.gov  
meingasth@michigan.gov  
*Attorneys for Defendants*

Abha Khanna\*  
ELIAS LAW GROUP LLP  
1700 Seventh Avenue, Suite 2100  
Seattle, Washington 98101  
Telephone: (206) 656-0177  
Facsimile: (206) 656-0180  
akhanna@elias.law

Jyoti Jasrasaria\*  
Julie Zuckerbrod\*  
ELIAS LAW GROUP LLP  
10 G Street NE, Suite 600  
Washington, D.C. 20002  
Phone: (202) 968-4490  
Facsimile: (202) 968-4498  
jjasrasaria@elias.law  
jzuckerbrod@elias.law

Sarah S. Prescott (P70510)  
105 E. Main Street  
Northville, MI 48167  
(248) 679-8711  
*Attorneys for Proposed Intervenor*

*\*Pro hac vice motion forthcoming*

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

Pursuant to Michigan Court Rule 2.209, the Downriver/Detroit Chapter of the A. Philip Randolph Institute (“DAPRI”) respectfully request that it be permitted to intervene as a defendant in this consolidated matter. Attached are DAPRI’s proposed Answers to Plaintiffs’ Complaints for Declaratory and Injunctive Relief, in accordance with Michigan Court Rule 2.209(C)(2).

DAPRI relies on the attached brief as support. DAPRI recognize that intervention is barred by the Michigan Court of Appeals’ decision in *Council of Organizations & Others for Education about Parochiaid v State*, 321 Mich App 456, 909 NW2d 449 (2017). According to *Council of Organizations*, because DAPRI is a private party, this Court does not have jurisdiction to grant this motion to intervene. *Id.* at 468. Even if this Court is bound by that decision, DAPRI seeks to preserve their right to intervene on appeal.

In the alternative, because of its interest in the case, DAPRI moves for the Court to grant it status to participate as amicus curiae pursuant to Michigan Court Rule 7.212(H). DAPRI ask the Court to promptly issue its ruling on this Motion.

Respectfully submitted,

Dated: October 13, 2022

s/ Sarah S. Prescott  
Sarah S. Prescott (P70510)  
Attorney for Proposed Intervenor  
105 E. Main Street  
Northville, MI 48167  
(248) 679-8711

Abha Khanna\*  
ELIAS LAW GROUP LLP  
1700 Seventh Avenue, Suite 2100  
Seattle, Washington 98101  
Telephone: (206) 656-0177  
Facsimile: (206) 656-0180  
akhanna@elias.law

Jyoti Jasrasaria\*  
Julie Zuckerbrod\*  
ELIAS LAW GROUP LLP  
10 G Street NE, Suite 600  
Washington, D.C. 20002  
Phone: (202) 968-4490  
Facsimile: (202) 968-4498  
jjasrasaria@elias.law  
jzuckerbrod@elias.law

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**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

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