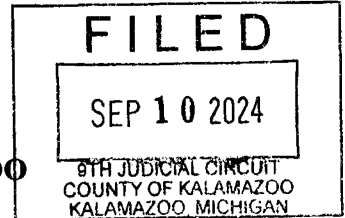


STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF KALAMAZOO



AMERICAN CIVIL LIBERTIES UNION OF  
MICHIGAN, SHERIL KELLY, and SCOTT  
KELLY,

Plaintiffs,

Case No. 2024-0533-CZ

v

Hon. Curtis J. Bell

ROBERT FROMAN, in his official capacity  
as Kalamazoo County Canvasser,

Defendant.

\_\_\_\_\_ /

**STIPULATED DISMISSAL ORDER**

This matter having come before the Court upon the stipulation of Plaintiffs ACLU of Michigan *et al.* and Defendant Robert Froman (the "Parties"), and the Court being otherwise fully advised in the premises:

WHEREAS the Parties have agreed to resolve this case in light of the affidavit executed by Defendant, which acknowledges Defendant's legal obligation and willingness to certify the results of the November election based solely on the returns and not based on any other extrinsic information, and which is attached to this order; and

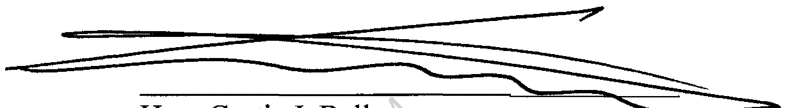
WHEREAS the Parties have agreed that this case shall be dismissed without prejudice, on the condition that Defendant agrees that if Plaintiffs re-file a lawsuit against Defendant raising similar issues involving election certification relating to the November 2024 election, Defendant consents to receive service of process via email directed to undersigned defense counsel supplemented by first class or overnight mail sent to the same undersigned counsel and agrees not to raise the form of such service as a defense in any manner;

IT IS HEREBY ORDERED that any and all claims or possible counterclaims in this case are dismissed in their entirety without prejudice and without costs.

IT IS FURTHER ORDERED that Plaintiffs' pending motion for expedited discovery is denied as moot, and the motion hearing scheduled for Wednesday, September 11, is cancelled.

Under MCR 2.602(A)(3), this order resolves the last pending claims, is a final order, and closes the case.

DATED: SEP 10 2024



Hon. Curtis J. Bell

We stipulate to entry of the above order.

/s/Philip Mayor  
Philip Mayor (P81691)  
Daniel S. Korobkin (P72842)  
Delaney A. Barker (P87401)  
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/s/Lewis L. Smith (with permission)  
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*Counsel for Plaintiffs*

Dated: September 9, 2024

\* Case resolved prior to counsel being able to file *pro hac vice* applications.

**AFFIDAVIT OF ROBERT FROMAN**

**I, Robert Froman, declare and affirm as follows:**

1. My name is Robert Froman. I am over the age of 21 years and if sworn as a witness I am competent to testify about the matters set forth herein based on personal knowledge.

2. I am the Defendant in *American Civil Liberties Union of Michigan, et al. v. Robert Froman*, Case No. 2024-0503-CZ, a case commenced in the Circuit Court for the County of Kalamazoo on September 3, 2024.

3. I am a member of the Kalamazoo Board of County Canvassers.

4. The Kalamazoo Board of County Canvassers is responsible for canvassing the votes cast within the Kalamazoo County. Canvassers are responsible for certification of election returns for all national, state and local offices which are contained entirely within the Kalamazoo County.

5. I agree that, consistent with Michigan law, I am required to certify the results of the election based solely on the statements of returns from the election day precincts, early voting sites, and absent voter counting boards in the county and any corrected returns, and that I may not, and will not, refuse to certify results of the election based on any information extrinsic to the statement of returns.

Executed on 9/9/2024

Robert Froman

Robert Froman

**AFFIRMATION**

Subscribed and sworn to by ROBERT FROMAN before me on the 9<sup>th</sup> day of September.

Signature of the person making this affidavit: Robert Froman

Signature:

Dina Sutton  
Dina Sutton

Printed Name:

Notary public, State of Michigan, County of Kalamazoo

My commission expires on 1.12.28.

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