

STATE OF MICHIGAN
COURT OF CLAIMS

ROBERT LABRANT, ANDREW BRADWAY,
NORAH MURPHY, and WILLIAM NOWLING,

Plaintiffs,

v

Case No. 23-000137-MZ

JOCELYN BENSON, in her official
capacity as Secretary of State

Hon. James Robert Redford

Defendant.

_____ /

EXPEDITED SCHEDULING ORDER

In this matter, 23-000137-MZ, plaintiffs have filed and served on defendant a complaint that relates to Donald J. Trump's eligibility for the office of President of the United States.

In 23-000128-MB, plaintiff Robert Davis served on defendant a complaint that also relates to *inter alia*, Donald J. Trump's eligibility for the office of President of the United States.

IT IS ORDERED:

1. The parties are on notice that the Court will expedite this matter and that together with *Robert Davis v Jocelyn Benson*, 23-000128-MB, will take priority on the Court's docket.

2. In this matter, 23-000137-MZ, defendant shall respond to plaintiffs' complaint by **5:00 p.m. on October 16, 2023**. In addition to any other issues to be discussed, defendant's responsive pleading shall address:

a. Whether defendant has an affirmative duty and the authority to decide whether a candidate may be placed on a ballot prior to a court's review of the issue;

b. Whether § 3 of the Fourteenth Amendment to the United States Constitution applies to the offices of President and Vice President and to candidates for those offices;

c. Whether § 3 of the Fourteenth Amendment to the United States Constitution precludes a person from serving in an office covered by § 3, seeking election to an office covered by § 3 or both;

d. Whether § 3 of the Fourteenth Amendment to the United States Constitution is self-executing;

e. Any state or federal cases interpreting or applying § 3 of the Fourteenth Amendment to the United States Constitution to candidates for office or persons serving in an office, including any cases currently involving potential presidential candidate Donald J. Trump;

f. The possible application of the 1872 Amnesty Act to the instant case.

3. If defendant's response to the complaint includes a motion, then plaintiff shall file any response to the motion by **October 23, 2023**.

4. All reply briefs are due by **5:00 p.m. on October 30, 2023**.


5. Plaintiffs shall provide courtesy copies of the complaint and all other documents filed to date in the case including this order on Donald J. Trump or his current campaign committee by **5:00 p.m. on October 10, 2023**. Plaintiffs shall confirm by affidavit the timely provision of these courtesy copies no later than **5:00 p.m. on October 11, 2023**.

6. Donald J. Trump and/or his presidential campaign is invited to seek amicus curiae involvement in this matter and in *Davis v Benson*, 23-000128-MB. If he does so, then his brief is due by **5:00 p.m. on October 23, 2023**.

7. After review of the briefing, the Court will determine whether a hearing is necessary and will inform the parties if a hearing is to be scheduled.

IT IS SO ORDERED.

Date: October 9, 2023


James Robert Redford
Judge, Court of Claims

