

STATE OF MICHIGAN
COURT OF CLAIMS

ROBERT DAVIS,

Plaintiff,

v

Case No. 23-000128-MB

JOCELYN BENSON, in her official capacity
as the duly elected Secretary of State,

Hon. James Robert Redford

Defendant.

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.

DONALD J. TRUMP,

Plaintiff,

v

Case No. 23-000151-MZ

JOCELYN BENSON, in her official
capacity as Secretary of State,

Hon. James Robert Redford

Defendant.

SCHEDULING ORDER

1. The parties are advised these matters have not been consolidated at this time. They are each separate cases; but for purposes of efficiency and because these matters all relate to the Michigan 2024 presidential primary election, the matters—other than as will be indicated below—are being expedited.

2. The Court has previously issued multiple scheduling orders in Cases 23-000128-MB and 23-000137-MZ.

3. Case 23-000151-MZ was filed October 30, 2023. That matter was initially randomly assigned to Chief Judge Elizabeth L. Gleicher but has since been reassigned to Judge James Robert Redford. No previous scheduling orders have been issued in Case 23-000151-MZ.

4. The purpose of this order is to set forth, for the period of the next ten days, the deadlines that will apply and the hearings that will take place.

5. In Case 23-000151-MZ:

a. If defendant has been served with plaintiff's complaint by October 31, 2023:

i. Defendant's answer or otherwise responsive pleading is due by Thursday, November 2, 2023, at 4:00 p.m.

ii. Plaintiff's reply, if any, to defendant's answer or otherwise responsive pleading is due by Monday, November 6, 2023, at 4:00 p.m.

b. If defendant has not been served with plaintiff's complaint by October 31, 2023:

i. Defendant's answer or otherwise responsive pleading is due by Monday, November 6, 2023, at 4:00 p.m.

ii. Plaintiff's reply, if any, to defendant's answer or otherwise responsive pleading is due by Wednesday, November 8, 2023, at 12:00 p.m.

c. Any amicus curiae submission in Case 23-000151-MZ must not exceed twenty (20) pages in length and must be submitted by Tuesday, November 7, 2023, at 4:00 p.m., with copies served on all parties in Cases 23-000128-MB, 23-000137-MZ, and 23-000151-MZ.

6. Regarding hearings on motions, oral arguments, and other proceedings in open court:

a. The Court acknowledges in Cases 23-000128-MB and 23-000137-MZ, in its October 18, 2023 order, it advised the parties oral argument, if any, would likely take place Monday, November 6, 2023.

b. In light of subsequent pleadings and the filing of Case 23-000151-MZ, the Court concludes it is no longer prudent to proceed on Monday, November 6, 2023.

7. The Court orders that sessions in open court will take place in all three matters on Thursday, November 9, 2023, at the Michigan Court of Appeals courtroom, State of Michigan Building, 350 Ottawa, NW, Grand Rapids, Michigan, as follows:

A. In Case 23-000128-MB, the case will be called at 8:30 a.m., and the matter will be scheduled for two hours, during which the Court will consider any administrative or scheduling matters and will hear oral arguments on any matters then pending.

i. Plaintiff's counsel shall be provided thirty (30) minutes in total to present argument.

ii. Defendant's counsel shall be provided thirty (30) minutes in total to present argument.

iii. Amicus curiae filer Donald J. Trump's counsel shall be provided thirty (30) minutes in total to present argument

iv. Defendant's counsel shall argue first, followed by plaintiff's counsel, followed by amicus curiae filer Trump's counsel. Defendant's counsel may present five (5) minutes of rebuttal argument if preserved.

B. In Case 23-000137-MZ, the case will be called at 11:30 a.m., and the matter will be scheduled for two hours during which the Court will consider any administrative or scheduling matters and will hear oral arguments on any matters then pending.

i. Plaintiffs' counsel shall be provided thirty (30) minutes in total to present argument.

ii. Defendant's counsel shall be provided thirty (30) minutes in total to present argument.

iii. Amicus curiae filer Donald J. Trump's counsel shall be provided thirty (30) minutes in total to present argument.

iv. Defendant's counsel shall argue first, followed by plaintiffs' counsel, followed by amicus curiae filer Trump's counsel. Defendant's counsel may present five (5) minutes of rebuttal argument if preserved.

C. In Case 23-000151-MZ, the case will be called at 2:00 p.m., and the matter will be scheduled for ninety (90) minutes during which the Court will consider any administrative or scheduling matters and will hear oral arguments on any matters then pending.

i. Plaintiff's counsel shall be provided thirty (30) minutes in total to present argument.

ii. Defendant's counsel shall be provided thirty (30) minutes in total to present argument.

iii. Plaintiff's counsel shall argue first, followed by defendant's counsel. Plaintiff's counsel may be allowed rebuttal argument, but this will be determined on November 9, 2023.

8. The Court notes, in Case 23-000128-MB, plaintiff filed an amended complaint on October 23, 2023. The parties are advised, in Case 23-000128-MB:

a. Counts V, VII, and VIII of plaintiff's proposed Amended Complaint, filed October 23, 2023, WILL NOT BE ADDRESSED ON AN EXPEDITED BASIS. All ordinary and normal schedules and deadlines related to cases in the Michigan Court of Claims shall apply to Counts V, VII, and VIII.

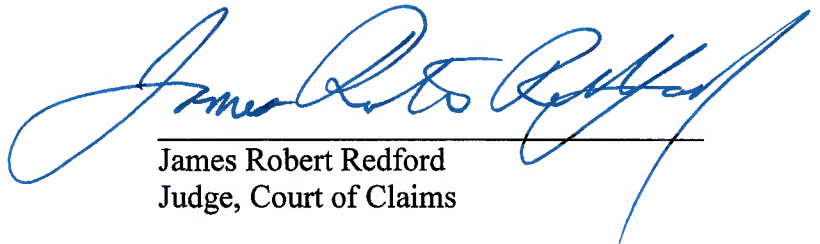
b. The Court will not be addressing Counts V, VII, and VIII in any interim or dispositive orders in this matter until the Court issues interim or dispositive orders in Counts I-IV and VI of plaintiff's Amended Complaint.

9. In-person attendance is appreciated for the court hearings. If parties and counsel are unable to attend in-person, the Court will make available attendance via Zoom.

10. The Court acknowledges that this expedited order will require much additional work and effort by the attorneys of record and the pro se litigant involved in these matters. The Court thanks all counsel and the pro se litigant for their efforts undertaken thus far in these matters and in their efforts to move forward in accordance with this order.

IT IS SO ORDERED.

Date: October 31, 2023



James Robert Redford
Judge, Court of Claims