

STATE OF MICHIGAN  
IN THE COURT OF APPEALS

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MICHIGAN HOUSE OF  
REPRESENTATIVES  
and MICHIGAN SENATE,

Supreme Court No. 161377  
**Court of Appeals No. 353655**  
Court of Claims No. 20-000079-MZ

Plaintiffs-Appellants,

v.

GRETCHEN WHITMER, in her  
Official capacity as Governor for the  
State of Michigan,

Defendant-Appellee.

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**MOTION OF ATTORNEY KATHERINE HENRY  
FOR LEAVE TO FILE BRIEF AMICUS CURIAE**

Katherine Henry, a nonparty to this action, pursuant to MCR 7.211 and MCR 7.212(H), files this motion seeking leave to file a brief amicus curiae with regard to this matter. In support, Attorney Katherine Henry states the following:

1. Katherine Henry submits this motion and proposed brief, noting the Michigan Supreme Court's preference for, and encouragement of, amicus briefs in appellate cases. See, IOP 7.305A(10) and 7.311A(3).
2. This matter is before this Court on appeal filed by Appellant (Legislature), Appellee (Governor), and Intervenor(s).
3. While Attorney Katherine Henry generally agrees with the position stated by Appellant, several key relevant legal positions have not yet been placed in front of the court, and being an officer of the court, and having sworn an oath to support the US and Michigan Constitutions, Katherine Henry has a duty to bring these legal

matters to the attention of this Court.

4. Given the unique nature of the case, the interests of the people of the State of Michigan are represented vicariously through the legislature, but where the people's interests diverge from the legislature, the voice of the people remains unheard. Attorney Katherine Henry has been communicating daily with thousands of Michiganders for the last three months, explaining the legal aspects of what is happening in our state and answering questions for Michiganders in this uncertain time; therefore, she is uniquely positioned to provide a voice for the people of the State of Michigan, and requests oral argument pursuant to MCR 7.212(H)(2).
5. Given the speed at which this case is moving through the various levels of court, Attorney Katherine Henry has not sought concurrence of the parties before the filing of this motion. However, several parties filed *Amicus Curiae* briefs at the trial court in this matter, and all were accepted by the court. None of the parties objected to the *Amicus Curiae* submissions in the trial court below, to the best of my knowledge. Attorney Katherine Henry also was the sole *Amicus Curiae* permitted to file a brief in this matter at the Michigan Supreme Court.

Therefore, Attorney Katherine Henry respectfully requests this Court to grant this motion and accept for filing the proposed brief *Amicus Curiae* being tendered with this motion.

Dated: June 24, 2020

Respectfully submitted,  
/s/ Katherine L. Henry  
Katherine L. Henry (P71954)  
Katherine Henry, P.C.  
7194 Michael Drive  
Hudsonville, MI 49426  
616-303-0183  
KHenry4MI@gmail.com  
**Attorney for *Amicus Curiae***