

STATE OF MICHIGAN
IN THE SUPREME COURT

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.

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

Katherine Henry, a nonparty to this action, pursuant to MCR 7.311 and MCR 7.312(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 pursuant to IOP 7.305A(10) and 7.311A(3) which both declare “the Court not only permits the filing of amicus briefs at the application stage but encourages it.”
2. This matter is before this Court on a Leave to Appeal and a Leave to Bypass 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 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 two 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.
5. Given the speed at which this case is moving through the various level 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.

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

Dated: June 2, 2020

Respectfully submitted,

/s/ Katherine L. Henry
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