

**STATE OF MICHIGAN  
IN THE COURT OF APPEALS  
(On Appeal from the Board of State Canvassers – Michigan Bureau of Elections)**

Governor Gretchen Whitmer,

Docket No. 353878

Plaintiff-Appellant,

v

Board of State Canvassers,

Defendant-Appellee.

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**PLAINTIFF-APPELLANT GOVERNOR GRETCHEN WHITMER'S  
MOTION FOR IMMEDIATE CONSIDERATION OF HER  
MOTION TO ADJOURN THE DECEMBER 1, 2020 ORAL ARGUMENTS AND  
MOTION FOR LEAVE TO FILE AMENDED OPENING MERITS BRIEF**

Plaintiff-Appellant Governor Gretchen Whitmer (“Governor Whitmer”), through counsel, respectfully requests that this Court immediately consider her Motion to Adjourn the December 1, 2020 Oral Arguments and Motion for Leave to File Amended Opening Merits Brief. In support

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of her motion, Governor Whitmer relies on MCR 7.211(C)(6), this Court’s inherent authority, and applicable law, and states as follows:

1. On June 8, 2020, Defendant-Appellant Board of State Canvassers (the “Board”) approved recall petition language, over Governor Whitmer’s objection, submitted by Chad Baase.

2. Governor Whitmer timely filed this appeal of the Board’s determination on June 17, 2020. *See* MCL 168.951a(6).

3. On August 12, 2020, Governor Whitmer filed an opening merits brief challenging the Board’s determination, and on October 7, 2020, Governor Whitmer filed a reply brief. After that point, briefing was closed.

4. On October 16, 2020, Governor Whitmer signed into law S.B. 1108, codified as 2020 PA 228, which amended the Open Meetings Act to allow, in part, for remote meetings by public bodies such as the Board, provided that public bodies had followed certain procedures when the meetings were held.

5. On October 30, 2020, Governor Whitmer received notification from this Court that oral arguments were scheduled for December 1, 2020 at 10:00 a.m.

6. On November 17, 2020, Governor Whitmer filed a motion seeking leave to amend the Brief on Appeal to assert the argument that could not have previously been made: the Board’s June 8 meeting was held in violation of the OMA because the OMA does not permit remote meetings and because the Board did not comply with the safe-harbor provisions of PA 228.

7. Under 7.211(C)(6), “[a] party may file a motion for immediate consideration to expedite hearing on another motion. The motion must state facts showing why immediate consideration is required.”

8. Oral arguments are scheduled for December 1, 2020—two weeks from today—hence necessitating immediate consideration of Governor Whitmer’s Motion to Adjourn the December 1, 2020 Oral Arguments and Motion for Leave to File Amended Opening Merits Brief

9. The Board does not concur in the relief sought herein.

10. Governor Whitmer is serving copies of both motions on counsel of record for the Board through the Court’s e-filing system pursuant to MCR 2.107(C)(1)(a) and via email. Therefore, “the motions may be submitted to the court immediately on filing.” *See* MCR 7.216(C)(6).

WHEREFORE, Governor Whitmer respectfully requests that this Court immediately consider her Motion to Adjourn the December 1, 2020 Oral Arguments and Motion for Leave to File Amended Opening Merits Brief.

Respectfully submitted,

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