

STATE OF MICHIGAN  
IN THE SUPREME COURT

PATRICK ANDERSON, TERRI LYNN LAND,  
LEON DROLET, and THOMAS MCMILLIN,

Plaintiffs,

v

THE BOARD OF STATE CANVASSERS,  
JOCELYN BENSON, in her official capacity as  
Secretary of State, and JONATHAN BRATER, in  
his official capacity as Director of the Bureau of  
Elections,

Defendants,

&

VOTERS FOR TRANSPARENCY AND TERM  
LIMITS,

Proposed Intervenor-Defendant or  
amicus curiae.

Case No. 164747

**PROPOSED INTERVENOR VOTERS  
FOR TRANSPARENCY AND TERM  
LIMITS ANSWER TO COMPLAINT  
FOR MANDAMUS AND  
DECLARATORY JUDGMENT**

Jeffrey A. Hank (P71152)  
Attorney for Plaintiffs  
HANK LAW PLLC  
PO BOX 1358  
East Lansing, MI 48826  
(855) 426-5529  
jah@consumerpractice.com

Heather S. Meingast (P55439)  
Erik Grill (P64713)  
Assistant Attorneys General  
DEPARTMENT OF ATTORNEY GENERAL  
PO Box 30736  
Lansing, MI 48909  
(517) 335-7659  
meingasth@michigan.gov  
grille@michigan.gov  
Attorneys for Defendants

Jason T. Hanselman (P61813)  
Gary P. Gordon (P26290)  
W. Alan Wilk (P54059)  
DYKEMA GOSSETT PLLC  
201 Townsend Street, Suite 900  
Lansing, MI 48933  
(517) 374-9181  
jhanselman@dykema.com  
*Attorneys for proposed Intervenor Voters For  
Transparency And Term Limits*

In answer to Complaint for Mandamus and Declaratory Judgment, Proposed Intervenor Voters for Transparency and Term Limits (the “Proponent”) states as follows:

**PARTIES, JURISDICTION, AND VENUE**

1. Lead Plaintiff Patrick Anderson is a resident of Clinton County Michigan. He is filing in his individual capacity as a person aggrieved by the determination of the Michigan Board of State Canvassers. He grew up in Oakland County, Michigan. He attended High School in Pontiac, and received bachelors and masters degrees from the University of Michigan in 1981 and 1983. He has been a registered voter in the state for over 40 years. Mr. Anderson drafted the provisions of Michigan’s term limit amendment that apply to state officeholders, and was a member of the committee that proposed it to the voters in 1992. He drafted the ballot summary of the amendment, that was presented it to the Board of Canvassers and adopted without substantive amendment in 1992.

In civic and business affairs, Mr. Anderson was a deputy budget director of the State of Michigan in 1994, and chief of staff of the Department of State from January 1995 to September 1996. He founded the consulting firm Anderson Economic Group LLC in September 1996, which continues in operation today. He also co-founded the charitable organization Michigan Remembers 9-11 Fund, which maintains remembrances of the Michigan citizens lost in the September 11, 2001 tragedy.

Mr. Anderson provided comments in writing in advance of the Board of Canvassers meetings in March and August 2022, and presented in person at both meetings.

**ANSWER: Proponent lacks knowledge or information sufficient to form a belief as to the truth of the multiple allegations contained in this paragraph and, accordingly, neither admits nor denies the allegations and leaves Plaintiff to its proofs. Furthermore,**

**Plaintiff has failed to set forth a clear, concise, and direct allegation pursuant to MCR 2.111(A)(1) which would allow for Proponent to provide a full response.**

2. Plaintiff Terri Lynn Land is a resident of Kent County Michigan. She is the former Michigan Secretary of State who served two terms from 2003 to 2011. She is filing in her individual capacity as a person aggrieved by the determination of the Michigan Board of State Canvassers.

**ANSWER: Proponent lacks knowledge or information sufficient to form a belief as to the truth of the multiple allegations contained in this paragraph and, accordingly, neither admits nor denies the allegations and leaves Plaintiff to its proofs. Furthermore, Plaintiff has failed to set forth a clear, concise, and direct allegation pursuant to MCR 2.111(A)(1) which would allow for Proponent to provide a full response.**

3. Plaintiff Thomas McMillin is a resident of Oakland County, Michigan. He is a former Michigan State Representative who served three terms in the House from 2009 to 2014. He is filing suit in his individual capacity as a person aggrieved by the determination of the Michigan Board of State Canvassers.

**ANSWER: Proponent lacks knowledge or information sufficient to form a belief as to the truth of the multiple allegations contained in this paragraph and, accordingly, neither admits nor denies the allegations and leaves Plaintiff to its proofs. Furthermore, Plaintiff has failed to set forth a clear, concise, and direct allegation pursuant to MCR 2.111(A)(1) which would allow for Proponent to provide a full response.**

4. Plaintiff Leon Drolet is a resident of Macomb County, Michigan. He is a former Michigan State Representative who served three terms in the House of Representatives. He

is filing suit in his individual capacity as a person aggrieved by the determination of the Michigan Board of State Canvassers.

**ANSWER: Proponent lacks knowledge or information sufficient to form a belief as to the truth of the multiple allegations contained in this paragraph and, accordingly, neither admits nor denies the allegations and leaves Plaintiff to its proofs. Furthermore, Plaintiff has failed to set forth a clear, concise, and direct allegation pursuant to MCR 2.111(A)(1) which would allow for Proponent to provide a full response.**

5. Defendant Board of State Canvassers is a public body created by Art 2, § 7 of the 1963 Constitution. The Board of State Canvassers is charged with, among other things, considering the summary prepared by the Director of the Bureau of Elections and approving a petition summary that is “true and impartial” pursuant to MCL 168.32.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

6. Defendant Jonathan Brater is Michigan’s Director of the Bureau of Elections charged with the duty of preparing the petition summary for approval by the Board of State Canvassers and is vested with the authority to administer Michigan’s election laws under the supervision of the Secretary of State. The Director is a non-member secretary of the Board of State Canvassers pursuant to MCL 168.32(1) and is vested with the authorities of the Secretary of State. Director Brater is sued in his official capacity and only to the extent his participation is necessary for relief granted by the Court.

**ANSWER: The Proponent admits that Defendant Jonathan Brater is Michigan’s Director of the Bureau of Elections. The remaining allegations of this paragraph**

**set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

7. Defendant Jocelyn Benson is Michigan’s Secretary of State. The Secretary of State is a publicly elected position authorized by Art 5, §§ 3, 21, of the 1963 Michigan Constitution. The Secretary of State is tasked with supervising the Director of the Bureau of Election regarding the administration of election law, including certifying, and preparing with the Board’s approval, the statement of the purpose of the Michigan Legislature’s dual-subject proposed constitutional amendment. Secretary of State Benson is sued in her official capacity and only to the extent her participation in this case is necessary for relief granted by the Court.

**ANSWER: The Proponent admits that Jocelyn Benson is Michigan’s Secretary of State. The remaining allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

8. This Court has discretionary jurisdiction “as provided by the constitution or by law.” MCR 7.303(B)(6); see also MCR 3.305(A)(1)-(2) (noting that a statute or rule may allow mandamus actions in “another court” besides circuit courts and the court of appeals).

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

9. MCL 600.217(3) gives this Court “jurisdiction and power to issue, hear, and determine writs of ... mandamus.”

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

10. MCL 168.479 governs review of a challenge to a Board of State Canvassers decision and says:

(1) Notwithstanding any other law to the contrary and subject to subsection (2), any person who feels aggrieved by any determination made by the board of state canvassers may have the determination reviewed by mandamus or other appropriate remedy in the supreme court.

(2) If a person feels aggrieved by any determination made by the board of state canvassers regarding the sufficiency or insufficiency of an initiative petition, the person must file a legal challenge to the board's determination in the supreme court within 7 business days after the date of the official declaration of the sufficiency or insufficiency of the initiative petition or not later than 60 days before the election at which the proposal is to be submitted, whichever occurs first.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

11. MCL 168.479(1)-(2) "provides the method of review for those persons aggrieved by any determination of the State Board of Canvassers." *Beechnau v Austin*, 42 Mich App 328, 330; 201 NW2d 699 (1972). The Court may provide "other" appropriate remedy also.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

12. For the same reason, venue is appropriate in this Court. See *Comm to Ban Fracking in Michigan v Bd of State Canvassers*, Mich ; NW2d (2021) (Docket No. 354270), 2021 WL 218683, at \*5 ("MCL 168.479(2) is clear that any person challenging the determination made by defendant regarding sufficiency or insufficiency of an initiative petition is required to file a timely legal challenge in the Michigan Supreme Court.").

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

13. Given the emergency timelines of the election, ballot proofing and printing, the Legislative deadline of September 9th to present corrected amendments, and the public interest in final adjudication of a matter of substantial importance to the state's jurisprudence and fundamental law, the Supreme Court is the proper venue to review and resolve this matter.

**ANSWER: Admit.**

**STATEMENT OF FACTS**

14. Citizens proposed, through a petition drive, a term limit amendment to the Michigan Constitution in 1992. Voters approved the amendment in 1992, with approximately 59% voting in favor of the amendment.

**ANSWER: Admit.**

15. In the succeeding 30 years, term limits on state officeholders have not been repealed, altered, or abrogated by the voters. Furthermore, they have repeatedly been upheld when elected officials and others have challenged them, most recently in *Kowall v Benson*, 18 F.4th 542 (6th Cir. 2021).

**ANSWER: Proponent lacks knowledge or information sufficient to form a belief as to the truth of the multiple allegations contained in this paragraph and, accordingly, neither admits nor denies the allegations and leaves Plaintiff to its proofs. Furthermore, the allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

16. The limits on federal officeholders that were part of Michigan's term limit amendment was held unconstitutional by the US Supreme Court in the *US Term Limits Inc v Thornton*, 514 US 779 (1995).

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

17. Michigan's term limit amendments, like those in the US Constitution and in many other state constitutions, limits the number of times a person can be elected to the same public office.

**ANSWER: Admit.**

18. Michigan's Constitution applies limits on the number of times a person can be elected to the same office to offices in both the legislative and executive branches.

**ANSWER: Admit.**

19. The limits on the number of times a person can be elected to the House of Representatives and the senate is contained in 1963 Const Art IV, § 54, which begins:

Limitations on terms of office of state legislators.

No person shall be elected to the office of state representative more than three times. No person shall be elected to the office of state senate more than two times. Any person appointed or elected to fill a vacancy in the house of representatives or the state senate for a period greater than one half of a term of such office, shall be considered to have been elected to serve one time in that office for purposes of this section. This limitation on the number of times a person shall be elected to office shall apply to terms of office beginning on or after January 1, 1993.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

20. The Michigan Constitution provides for a voter-signature lead petition process to amend the constitution, and a process by which the legislature may directly propose a constitutional amendment for voter approval. There are two ways a proposal to amend Michigan's constitution can become a ballot question, according to Article 12, Sections 1 and 2:

a) A Ballot Question committee may gather and submit petitions for a proposed amendment containing original signatures of at least 425,059 registered voters, or

b) The Legislature may pass by joint resolution a proposed amendment agreed to by two-thirds of the 148 members elected to and serving in each house of the Legislature.



**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

21. Both methods require subsequent voter approval after the proposal is placed on the ballot, and a 100-word summary known as the “statement of the purpose” of the proposed amendment or initiative is required to be placed on the ballot so that voters know what they are voting for or against. This case, unlike most election precedent of the courts, deals with a Section 1 amendment, and not a Section 2 amendment pursuant to Article XII.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

22. MCL 168.32(1) and (2) provide that the ballot summary “statement of the purpose of the amendment” is prepared by the Director of Elections on behalf of the Secretary of State, and certified with the approval of the Board of State Canvassers. The summary shall consist of a true and impartial statement of the purpose of the amendment or question in such language as shall create no prejudice for or against the proposed amendment or question:

(2) The director of elections, with the approval of the state board of canvassers, shall prepare a statement for designation on the ballot in not more than 100 words, exclusive of caption, of the purpose of any proposed amendment or question to be submitted to the electors as required under section 9 of article II, section 34 of article IV if the legislature does not provide for the content of the question to be submitted to the electors, or section 1 or 2 of article XII of the state constitution of 1963. The statement shall consist of a true and impartial statement of the purpose of the amendment or question in such language as shall create no prejudice for or against the proposed amendment or question. The powers and duties of the state board of canvassers and the secretary of state with respect to the preparation of the statement are transferred to the director of elections. The secretary of state shall certify the statement of the purpose of any proposed amendment or question to be submitted to the electors not later than 60 days before the date of the election.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

23. In March 2022, a ballot committee known as Voters for Transparency and Term Limits (VTTL) proposed a voter petition seeking similar amendments to what HJR R proposes.

**ANSWER: Admit.**

24. The Board of State Canvassers in a public meeting on March 23, 2022, approved the following summary for that proposal:

The proposed constitutional amendment would:

- Require members of the legislature, the governor, the lieutenant governor, the secretary of state, and the attorney general to file annual public financial disclosure and transaction reports after 2023.
- Require the legislature to enact laws with disclosure rules at least as stringent as those required for members of congress;
- Replace current term limits for state representatives and state senators to a 12-year total limit in any combination between the house and the senate, with the exception that someone elected to the senate in 2022 can be elected the number of times allowed when that person became a candidate. **Exhibit D.**

**ANSWER: Admit.**

25. At some point, VTTL did not move forward with obtaining voter signatures and failed to make the ballot.

**ANSWER: Denied as stated. In further response, the Legislature used the other path for amending Michigan's Constitution that is set forth in Michigan's Constitution, and it was therefore not necessary to collect signatures.**

26. On May 10, 2022, HJR R was introduced into the Legislature. The same day, within a period of less than 24 hours, the House and Senate met and adopted the proposal with support of two-thirds of the members elected to and serving in each chamber of the

Legislature, bypassing the 425,059 petition signature requirement to abate term limits on themselves. **Exhibit B.**

**ANSWER: Denied as stated. In further response, the Legislature did not “bypass” the petition signature process, but rather followed a proper method for proposing to amend Michigan’s Constitution that is set forth in Michigan’s Constitution. There is no signature requirement relative to a legislatively-initiated amendment.**

27. On May 10, 2022, the Legislature also suspended a joint rule of the House and Senate, Rule 13, which in part, prohibits “The same joint resolution shall not propose an amendment to the Constitution on more than one subject matter.” *See* Rule 13, **Exhibit F.**

**ANSWER: Admit.**

28. The proposed amendment to the State Constitution would alter or abrogate at least two sections of Article IV, sections 10 and 54.

**ANSWER: Proponents admit that Proposal 1 amends two sections of the Michigan Constitution.**

29. The Legislature included its own statement of the purpose within HJR R, that proclaimed misstatements of fact as to the nature of the proposal. The Legislature’s statement of the purpose was not adopted by Defendants. **Exhibit A.**

**ANSWER: Denied as stated.**

30. On August 19, 2022, the Board of State Canvassers (BOSC) held a public meeting for the purpose of designating the proposal and adopting a summary and caption that described the proposal. **Exhibit C.**

**ANSWER: Admit.**

31. At that August 19 meeting, the board heard testimony from Patrick Anderson, as well as from attorneys representing VTTL. Mr. Anderson also provided in writing a substitute for the draft description. **Exhibit C.**

**ANSWER: Admit.**

32. The Board had only 3 members participating in the meeting on that day. Without debate or asking the director to respond to the testimony indicating both factual errors and prejudicial language in the description, it was adopted by the 3 members.

**ANSWER: Proponent admits that the Board unanimously approved Proposal 1 for placement on the ballot.**

33. On August 19, 2022, the Defendants prepared and certified a statement of the purpose of HJR R, and designated it Proposal 1, which will appear on the ballot as follows (*See, Exhibit E*):

**Proposal 22-1**

**A proposal to amend the state constitution to require annual public financial disclosure reports by legislators and other state officers and change state legislator term limit to 12 total years in legislature.**

This proposed constitutional amendment would:

- Require members of legislature, governor, lieutenant governor, secretary of state, and attorney general file annual public financial disclosure reports after 2023, including assets, liabilities, income sources, future employment agreements, gifts, travel reimbursements, and positions held in organizations except religious, social, and political organizations.
- Require legislature implement but not limit or restrict reporting requirements.
- Replace current term limits for state representatives and state senators with a 12-year total limit in any combination between house and senate, except a person elected to senate in 2022 may be elected the number of times allowed when that person became a candidate. Should this proposal be adopted?

[ ] YES

[ ] NO

WORD COUNT: 100

**ANSWER: Admit.**

34. This proposal is now slated to be placed before voters statewide on November 8, 2022 in the general election.

**ANSWER: Admit.**

35. The Legislature, pursuant to 1963 Const Art XII, Sec. 1, and according to the Secretary of State’s Election Calendar has until September 9, 2022 to present any constitutional amendments to the Secretary of State for inclusion on the November 8, 2022 general election.

**Exhibit H.**

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

36. September 24, 2022 is the deadline for clerks to send overseas military service personnel absentee ballots. **Exhibit H.**

**ANSWER: Admit.**

**GENERAL ALLEGATIONS**

37. Plaintiff hereby incorporates by reference all previous paragraphs as if fully set forth herein.

**ANSWER: Proponent’s responses to the preceding paragraphs are incorporated by reference.**

38. The current self-serving proposal to amend the State Constitution put forth by the Legislature does not comply with the requirement that it be limited to one purpose or subject. Legislative Rule 13 refers to “subject”, the statutes refers to “ the purpose”, and these terms appear to be interchangeable and referring to the same thing, and are generally known to be referencing

what is considered the “single subject” rule or prohibition that exists in many states. Done properly, this would require that two separate ballot questions with different purposes be placed on the ballot for voter consideration:

a) One proposal to replace distinct term limits for state house and state senate with a 12-year total limit in any combination between the Michigan house and senate. The only purpose or subject matter of that proposal would be the eligibility to be elected to a specific office.

b) A separate proposal to impose requirements for financial disclosures from the governor, attorney general, and secretary of state in addition to the members of the Michigan house and senate. The only purpose or subject matter of that proposal would be financial disclosures.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

39. Upon information and belief, the Legislature is in session and has until September 9th to present any constitutional amendment proposals to voters for the upcoming November 8, 2022 election. Any such action of the Legislature can be done with minimal process and time, and the Secretary of State need only give 3 days public notice for a meeting of the Board and the Director to prepare, approve, and certify proper statements of the purposes of different amendments. In other words, there is still time for the Legislature and Defendants to correct this matter if the Court acts in time.

**ANSWER: Proponent lacks knowledge or information sufficient to form a belief as to the truth of the multiple allegations contained in this paragraph and, accordingly, neither admits nor denies the allegations and leaves Plaintiff to its proofs.**

40. Upon information and belief, ballots will be printed sometime in the week of September 19<sup>th</sup>.

**ANSWER: Proponent lacks knowledge or information sufficient to form a belief as to the truth of the multiple allegations contained in this paragraph and, accordingly, neither admits nor denies the allegations and leaves Plaintiff to its proofs.**

41. Irrespective of the dual-purpose nature of the HJR R, the statement of the purpose as adopted by the Defendants is necessarily confined to only 100 words, which is nearly impossible to fairly and accurately summarize the material provisions of the combined Legislative proposals for voters to have a “true and impartial” summary on the ballot. The caption does not count as part of the 100 word total, but does influence voters as well.

**ANSWER: Denied as stated. In further response, the Legislature provided a statement, Plaintiffs provided a different 100-word statement, and the Board adopted a compromise 100-word statement drafted by the Director of Elections that it determined fairly and accurately summarizes the proposal. Remaining allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

42. Upon information and belief, most voters will never read the actual language of the Legislative proposal to alter or abrogate the current term limits or to add the unrelated financial disclosure provisions — most voters will only read the 100 word summary as placed on the ballot.

**ANSWER: Proponent lacks knowledge or information sufficient to form a belief as to the truth of the multiple allegations contained in this paragraph and, accordingly, neither admits nor denies the allegations and leaves Plaintiff to its proofs.**

43. The statement of the purpose for the dual-purpose proposals is not “true and impartial” in its own expressed plain meaning of the words in at least four (4) regards, including:

a) It incorrectly states that the proposal would require elected officials disclose “assets” and “liabilities” as well as “gifts” from lobbyists. In fact, it requires only a “description of assets” and “description of liabilities,” and then only in 2024, and then only if the legislature adopts a law. Plaintiffs note that the Michigan Constitution authorizes a tax on the asset most commonly held by Michigan residents, namely property. That property tax is levied on a specific amount of value for the asset. Thus, a citizen reading the description adopted by the Board would be led to believe that elected officials would be disclosing the value of their assets, given their experience in seeing assessment notices and tax notices for their assets. Nothing in HJR R requires such a disclosure.

b) It misleads the public by not describing the alteration of the existing term limits provisions in a plan manner, such as using the term “repeal” or “repeal and replace”, “alter” or “abrogate.” Instead, it uses the word “change” in the caption. This is clearly not impartial. To the extent “truthful” means disclosing the important aspects of a proposal, it falls short of being truthful.

c) It lists first, in both the caption and the body of the description, a largely toothless “disclosure” requirement. This requirement may not ever take effect, or at least it would not take effect until 2024 or later and then only if the legislature adopts an implementing statute or is sued to do so. Meanwhile, the much more important alteration and repeal of existing constitutional provisions are placed second in order. The Board, ignoring repeated requests from citizens (including a written substitute provided at the meeting), provided no basis for making the much less important “disclosure” provision more prominent in the ballot description than the alteration and repeal of the existing constitutional amendment.



d) A person reading the ballot description approved by the Board, which as required by law is limited to a caption and a 100 word summary, would have to read about 90 words before learning that the proposal would alter or abrogate any element of the existing Constitution. At that point, the voter would finally learn that the proposal would “replace” the current term limit provisions of the Michigan Constitution. This creates a prejudice for the proposal, as the popular (though not very meaningful) disclosure provision is described first and at length, while the directly and immediately effective repeal of the popular term limits is relegated to the end of the description.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

44. Additionally, the statement of the purpose of the Legislative proposal is also not “true and impartial” as it omits a material element of the consequence of the proposal — that currently term-limited Senators and Representatives who are prohibited from seeking those public offices would be eligible to seek those offices again if this proposal were to pass. This may apply to as many as 300 prior members that have been term limited since the 1990s. The statement of the purpose expends considerable language (21 of the possible 100 words i.e. 21% of the text) relating to the supposed non-effect on current candidates in the Senate, however, it appears that description would not actually even apply to anyone currently in office or who could potentially be elected to office in November 2022. It is well recognized that omitting a material fact is a hallmark of untruthfulness and a lack of candor in business dealings or life in general. And it certainly creates prejudice in favor of the proposal by hiding this material consequence from voters who had previously enacted the current constitutional term limits.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

45. In passing HJR R, the Legislature included its own statement of the purpose that was also not impartial, and was prejudicial in favor of the ballot question, using words that the measure would, “Reduce current term limits for state representatives and state senators to a 12-year total limit in any combination between the house of representatives and the senate, ....”

**Exhibit A.**

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

46. At the August 19, 2022 Board of State Canvassers meeting, it was asserted by some persons submitting public comment that the Legislature has the sole authority to determine what the ballot summary statement of the purpose is, and the Director and the Board did not have authority, even though such authority is provided by legislative statute.

**ANSWER: Proponent lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and, accordingly, neither admits nor denies the allegations and leaves Plaintiff to its proofs.**

47. This assertion of legislative prerogative was purportedly based on five words in 1963 Art XII, Sec. 1, which states:

**Amendment by legislative proposal and vote of electors.**

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election **as the legislature shall direct**. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. **(Emphasis added)**

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

48. When the attorney representing the Board, who was with the Department of Attorney General, was asked by a Board member whether that was the case, the answer was essentially a comment that no research had been done on the issue<sup>2</sup>. However, it was then also stated in essence by the Attorney General's office that by statute the Legislature itself had given the Director and the Bureau the power to prepare and approve a statement of the purpose, and the Director and the Bureau appeared to reject the usurpation of the power so delegated to them.

**ANSWER: Proponent lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and, accordingly, neither admits nor denies the allegations and leaves Plaintiff to its proofs.**

49. Upon information and belief, it has been the custom, common practice, precedent and tradition of the Board, the Director, and the Secretary of State to always prepare, approve, and certify the statement of the purpose for all voter-lead and legislatively introduced statutory initiatives and constitutional amendments, and the Board of State Canvassers, the Director, and the Secretary of State have never failed to assert their authority to prepare, approve, and certify a statement of the purpose of an amendment or initiative for the ballot.

---

<sup>2</sup> Plaintiffs do not have a transcript of the hearing which is not available yet, but the public meeting is currently accessible online at <https://www.youtube.com/watch?v=3ar1R5Qs6sM>

**ANSWER: Proponent lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and, accordingly, neither admits nor denies the allegations and leaves Plaintiff to its proofs.**

50. The assertion of the Legislature’s sole authority to dictate the ballot language of its own proposed self-serving amendments and initiatives in a manner that may not be true and impartial appears to be a matter of first impression for this Court as to whether such power exists. Plaintiffs assert that it does not and that this is unlawful.

**ANSWER: Proponent lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and, accordingly, neither admits nor denies the allegations and leaves Plaintiff to its proofs.**

51. If the Legislature has created a statute such as MCL 168.32 vesting or delegating authority to create the statement of the purpose of “any” proposal to be put before voters to the Director and the Board, then only a repeal or amendment of that statute could change that authority. There is no exception in the statute for legislative proposals under Section 1.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

52. Further, if the Legislature can create multi-purpose and/or multi-subject amendments, and also create untrue or partial ballot summaries for those amendments which create prejudice in favor of them, with no check and balance on its power, the potential for abuse is rampant, and this current situation if left uncorrected will embolden future Legislators to engage in even more egregious false representations of the nature of proposals to change our most fundamental laws.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

53. The Legislature, in adopting HJR R, suspended its own rules that prohibit putting forth a constitutional amendment that has more than one subject matter. See Joint Rule 13 which states:

Rule 13. Upon introduction, no bill shall include catch lines, a severing clause, or a general repealing clause, as distinguished from a specific or an express repealing clause. The Secretary of the Senate and the Clerk of the House of Representatives shall delete such catch lines and clauses from all bills.

The same joint resolution shall not propose an amendment to the Constitution on more than one subject matter. However, more than one section of the Constitution may be included in the same joint resolution if the subject matter of each section is germane to the proposed amendment. **Exhibit F.**

**ANSWER: Proponent admits that the Legislature suspended its own rules that prohibit putting forth a constitutional amendment that has more than one subject matter in order to adopt HJR R, which is why Plaintiffs' claim that the Legislature violated its rules is fatally flawed. Proponent denies as stated any conclusion that Proposal 1 contains more than one subject matter.**

54. Besides the Rule 13 prohibition on multiple subjects, the Michigan Constitution, 1963 Art IV, Section 24 prohibits multiple objects in a law and requires the title of each law to state its object. This is often referred to as the "title-object" clause and it is illustrative of the fact multiple subjects, objects, and purposes are a concern. The text:

**§ 24 Laws; object, title, amendments changing purpose.**

Sec. 24. No law shall embrace more than one object, which shall be expressed in its title. No bill shall be altered or amended on its passage through either house so as to change its original purpose as determined by its total content and not alone by its title.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

55. As noted by Frank J. Kelley in *Advisory Opinion Re Constitutionality* 1972 PA 294, “Perhaps the most explicit explanation of the purpose behind the one-object provision is found in *Rohan v Detroit Racing Association*, 314 Mich 326 (1946), where the Court at 355-356 quoted the following provisions from *Commerce-Guardian Trust & Savings Bank v Michigan*, 228 Mich 316 (1924):

“This provision was adopted in our first Constitution, and has remained in the several subsequent revisions without change. Its purpose and the effect to be given to it by the legislature have been many times discussed and passed upon by this court. It may be said at the outset that the provision is designed to serve two purposes. First, to prevent action by the legislature without receiving the concurrence therein of the requisite number of members by “bringing together into \*469 one bill subjects diverse in their nature, and having no necessary connection, with a view to combine in their favor the advocates of all.” What is commonly spoken of as log-rolling in legislation and also to prevent clauses being “inserted in bills of which the titles gave no intimation, and their passage secured through legislative bodies whose members were not generally aware of their intention and effect.” *People, ex rel. Drake, v. Mahaney*, 13 Mich. 481, 494 [1865]. And, second, to “challenge the attention” of those affected by the act to its provisions. *People v Wohlford*, 226 Mich. 166, 168 [1924].”[3]

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

56. Numerous cases have held that the “object” of a statute is the general purpose or aim of its enactment. An act may include all matters germane to its principal object. If such a principle were to apply here, and the object is considered in this instance to be the same as the subject or purpose, then it is unclear what the principal purpose of HJR R is — as it has multiple objectives, not all of which are germane to each other. The financial disclosure purpose applies to offices besides the legislature, and the term limits alteration or abrogation only applies to the Legislature, with no rationale why other offices are not having their term limits altered.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

57. While the title-object clause applies to legislation only and not constitutional amendments (at least as to Art XII, Section 2 — it is unclear if a Court has ever ruled it does not apply to amendments under Section 1), its rationale is applicable to the situation at hand. Michigan’s 1850 and 1908 Constitutions also included a version of the title-object clause. Justice Cooley described it in 1865 as:

“The history and purpose of this constitutional provision are too well understood to require any elucidation at our hands. The practice of bringing together into one bill subjects diverse in their nature, and having no necessary connection, with a view to combine in their favor the advocates of all, and thus secure the passage of several measures, no one of which would succeed upon its own merits, was one both corruptive of the legislator and dangerous to the state. It was scarcely more so, however, than another practice, also intended to be remedied by this provision, by which, through deleterious management, clauses were inserted into bills of which the titles gave no intimation, and their passage secured through legislative bodies whose member were not generally aware of their intention and effect.” *See People ex rel. Drake v Mahoney*, 13 Mich 481, 494-495 (1865).

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

58. Plaintiffs assert that the combination of two separate subjects, objects, or purposes in HJR R, and the deceptive text of the 100 word ballot summary, are a prime example of “bringing together into one [amendment] subjects diverse in their nature, and having no necessary connection ...” and that this is corruptive of the electoral process. The popular current term limits have been combined with a likely popular disclosure provision in a Legislature-introduced amendment to hoodwink voters to expand term limits and approve something unrelated to term limits. Voters would likely not approve this as a question on its own, especially if it was truthfully and impartially described to the People voting.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

59. Further, on the issue of dual-purpose nature of the amendment, statutes, including MCL 168.32(2) refer to amendments only having a single purpose with the use of **the** phrase “... the purpose...” (**emphasis added**).

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

60. Other legislation, including in part MCL 168.22e(1), also use the statement of “the purpose”:

“The board of state canvassers shall meet to consider and approve a statement of the purpose of a proposed constitutional amendment or other ballot question prepared pursuant to section 32.”

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

61. It does not appear that the Court has ever definitively ruled upon this issue, however, former Justice Markman did opine on it in CPMC II opinion, p. 14:

“Because “the” is a definite article and “purpose” is a singular noun, it seems reasonably clear that this phrase “statement of the purpose of the proposed amendment” likely contemplates a single purpose.” See *Robinson v Detroit*, 462 Mich 439, 462; 613 NW2d 307 (2000).



**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

62. As noted above, Legislative Rule 13 states in part that “The same joint resolution shall not propose an amendment to the Constitution on more than one subject matter.”

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

63. Upon information and belief, at least 16 states have an expressly recognized single subject prohibition, and another 6 states have a separate vote requirement that prohibit constitutional amendments from changing more than one article or section of the constitution.

**ANSWER: Proponent lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and, accordingly, neither admits nor denies the allegations and leaves Plaintiff to its proofs.**

64. Plaintiffs do not allege that the dual-purpose amendment is a “general revision” subject to Art XII, Section 3, requiring a constitutional convention, although, Section 3 has been interpreted to act somewhat as its own multi-purpose, multi-object, multi-subject prohibitory constitutional principle, because it is clear that the more purposes that an “amendment” has, it ventures from being an amendment to being a general revision. Despite precedent and much past discussion on that distinction, there is not exactly a bright line rule that is easily applied to determining when particular language invokes Section 3. Being that Plaintiffs do not make a Section 3 general revision challenge, what is pertinent in this case is that the Constitution itself supports the concept that multi-purpose amendments are legally dubious in nature.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

65. In this instance, as applied to this proposal, the Court should consider application of a single subject rule. The Constitution, at least two statutes, the Legislature's own rules, the laws of other states treating the exacting same issue, and comparisons to the title-object clause all weigh heavily in favor of some rule prohibiting multi-purpose legislative amendments.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

66. The Plaintiffs want to make clear that in no way are they arguing for any deprivation of voters to decide these important questions — Plaintiffs simply want the voters to have true and impartial ballot language on the dual-purpose proposal as it is, or to have a fair vote on each unrelated subject separately. Unlike a voter-lead initiative or amendment pursuant to Section 2 or Article IX, if the Court agrees that there are technical or structural problems with this proposal, the Legislature can simply re-craft it properly and place both separate subjects on this November's ballot or a future general or special election ballot. There would be no disregard for the money, time, effort, blood, sweat and tears that petitioners and voters have engaged in over months face-to-face on the streets when a voter-lead direct democracy proposal is rejected by the Courts. Within a matter of days the Legislature could propose the same two subjects as separate amendments instead of improperly combining them.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

#### COUNT I — MANDAMUS

67. Plaintiff hereby incorporates by reference all previous paragraphs as if fully set forth herein.

**ANSWER: Proponent's responses to the preceding paragraphs are incorporated by reference.**

68. "Mandamus is the appropriate remedy for a party seeking to compel action by election officials." *Citizens Protecting Michigan's Constitution v Sec'y of State*, 280 Mich App 273, 283; 761 NW2d 210 (2008).

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

69. In order to be entitled to such remedy, it must be demonstrated that: (1) the plaintiff has a clear legal right to the performance of the duty sought to be compelled; (2) the defendant has a clear legal duty to perform; (3) the act is ministerial in nature; and (4) the plaintiff has no other adequate legal or equitable remedy. *Citizens Protecting Michigan's Constitution v. Secretary of State*, 280 Mich App 273, 284 (2008); *White-Bey v Dep't of Corrections*, 239 Mich App 221, 223–24; 608 NW2d 833 (1999).

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

70. MCL 168.32(2) creates a clear legal right for Plaintiffs as to the duty of the Director and the Board of Canvassers to prepare and certify a statement of the purpose of the amendment that is both "true and impartial" and also does not "create prejudice for the proposed amendment".

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

71. MCL 168.479 provides for “any person” to seek mandamus in the Supreme Court if aggrieved by a determination of the Board.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

72. A clear legal right is a right that is “clearly founded in, or granted by, law; a right which is inferable as a matter of law from uncontroverted facts regardless of the difficulty of the legal question to be decided.” *Univ Med Affiliates, PC v Wayne Cty Executive*, 142 Mich App 135, 143; 369 NW2d 277 (1985) (citation omitted).

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

73. Pursuant to MCL 168.32(2), Defendants have a clear legal duty to perform the preparation, approval, and certification of a statement of the purpose of the amendment that is both “true and impartial” and also does not “create prejudice for the proposed amendment”.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

74. The Board also has the duty to approve the proposal’s statement of purpose, which the director of elections prepares and the Secretary of State certifies and which is not to exceed 100 words under MCL 168.22e; *see also Citizens for Protection of Marriage v Bd of State Canvassers*, 263 Mich App 487, 494; 688 NW2d 538 (2004).

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

75. The act of preparing, approving, and certifying a statement of the purpose of the amendment that is both “true and impartial” and also does not “create prejudice for the proposed amendment” is ministerial in nature.

**ANSWER: Proponents deny that preparing, approving, and certifying a statement of the purpose of the amendment that is both “true and impartial” and also does not “create prejudice for the proposed amendment” is ministerial in nature. As Plaintiff alleges above, there are many different ways the Director of Elections could have described Proposal 1. The Director of Elections exercised its discretion to craft language that the Board believes is proper. Any act that requires the exercise of discretion cannot be ministerial in nature.**

76. “A ministerial act is one in which the law prescribes and defines the duty to be performed with such precision and certainty as to leave nothing to the exercise of discretion or judgment.” *Hillsdale Cty Senior Servs, Inc v Hillsdale Cty*, 494 Mich 46, 58 n 11, 832 NW2d 728 (2013) (quotation marks and citation omitted).

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

77. When Defendants did not do their ministerial duty in preparing, approving, and certifying such statement of the purpose that was both “true and impartial” and also that does not “create prejudice for the proposed amendment”, Plaintiffs were left with no other adequate legal or equitable remedy but file this Complaint.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

78. Plaintiffs have no other administrative remedies to pursue, and did exhaust them before filing suit. Lead Plaintiff Patrick Anderson submitted public comment attempting to give notice to the Defendants of the failure to prepare and certify a statement of the purpose that was both “true and impartial” and also does not “create prejudice for the proposed amendment”. No other court or tribunal can resolve this matter to a final decision in the timeframe necessary given the election and ballot proofing and printing deadlines. Money damages or other relief are inadequate and this issue affects the entire State of Michigan, our entire state government, and every voter — and if enacted, will continue to affect every resident, likely for years to come. A constitutional change is not easily undone.

**ANSWER: The Proponents admit that, if Michigan residents decide to amend the Constitution by voting in favor of Proposal 1, it will affect Michigan residents and state government, however, Proposal 1 must first successfully receive a majority of votes from Michigan citizens to become effective. The decision whether to amend Michigan’s Constitution is, pursuant to Michigan’s Constitution, in the hands of the People. The remaining allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

79. Aside from this action, “plaintiff has no other adequate legal remedy, particularly given that the election is mere weeks away and the ballot printing deadline is imminent.” *Barrow v City of Detroit Election Com’n*, 301 Mich App 404, 412; 836 NW2d 498 (2013).

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

80. Mandamus is appropriate and required to enforce this clear legal duty imposed on Defendants by MCL 168.32 and the public trust imposed on Defendants as public officials under the laws and Constitution of Michigan.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

81. The Court should therefore order the Director to prepare a true and impartial statement of the purpose. The Court of Appeals has previously ruled in *Citizens for Protection of Marriage* that the Board could be left out of this process, if necessary, if there is a lack of faith that the Board may approve a true and impartial statement. The Secretary would still have to certify the statement of the purpose. In the interest of not having to repeat this process, the Court could also either order the Director and lead Plaintiff to meet, confer, and agree within 72 hours as to an acceptable true and impartial statement to be approved by the Court, or order that the language proposed herein, which is very similar to what the Directors prepared but more truthful and impartial, and less likely to create prejudice for or against, be placed on the ballot:

**Proposal 22-1**

**A proposal to amend the state constitution to replace current term limits for state representatives and state senators with a 12-year total limit on any combination of terms in legislature and require annual public financial disclosure reports by legislators and other state officers**

This proposed constitutional amendment would:

- Replace current term limits for state representatives and state senators with a 12-year total limit in any combination between house and senate, except a person elected to senate in 2022 may be elected the number of times allowed when that person became a candidate.

Require members of legislature, governor, lieutenant governor, secretary of state, and attorney general file annual public financial disclosure reports after 2023, including description of assets, description of liabilities, and sources of income, future employment agreements, and positions held in organizations except religious, social, and political organizations.

Require the legislature to implement reporting requirements.

Should this proposal be adopted?

YES

NO

WORD COUNT: 99

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

**COUNT II - DECLARATORY JUDGMENT**

82. Plaintiff hereby incorporates by reference all previous paragraphs as if fully set forth herein.

**ANSWER: Proponent’s responses to the preceding paragraphs are incorporated by reference.**

83. This Court has the authority to issue a declaratory judgment pursuant to MCR 7.303 and MCL 168.479 because there is an actual, ripe controversy between the parties regarding whether a ballot question summary is true and impartial and may be presented to voters, as well as questions as to the power of the Legislature to dictate a statement of the purpose of a proposal, and to present multi-purpose or multi-subject proposals to the electorate.



**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

84. Plaintiffs plea to the Court to issue declaratory relief on these three issues.

**ANSWER: Plaintiffs Complaint speaks for itself, therefore, no response is required and, accordingly, none is provided.**

85. This Court should issue a declaratory judgment that Defendants failed to comply with Michigan Election Law and that Defendants must comply by preparing, approving, and certifying a true and impartial statement of the purpose of the proposed constitutional amendment as the ballot question summary language to be submitted to voters as it relates to HJR R.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

86. This Court should issue a declaratory judgment that the Legislature does not have authority to dictate the statement of the purpose of a proposed constitutional amendment as such an assertion or newly proffered power grab is in conflict with Legislative statute, i.e. MCL 168.32, which the Legislature created knowingly and which clearly, unambiguously, and irrevocably, in the absence of statutory change, delegates to the Director and the Board the duty to prepare, approve and certify “any” statement of the purpose for a proposed constitutional amendment or statutory initiative.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

87. This Court should issue a declaratory judgment that the proposal known as HJR R, which contains more than one unrelated constitutional amendment as its purpose, is

unconstitutional or otherwise an unlawful violation of statute or Legislative rule as it is presented in its current form, and that its submission to electors should be enjoined, as it contains two separate purposes that are unrelated and not germane.

**ANSWER: The allegations of this paragraph set forth conclusions of law as to which no response is required and, accordingly, none is provided.**

**AFFIRMATIVE DEFENSES**

Pursuant to MCR 7.206, the Proponent, by its attorneys Dykema Gossett PLLC, hereby state that they may rely on some or all of the following defenses in this matter and may assert such other defenses as may become apparent through the course of these proceedings:

1. The Court lacks jurisdiction over the claims alleged in Plaintiff's Complaint.
2. Plaintiff failed to state a claim for mandamus because mandamus cannot be granted upon disputed facts or where, as here, the action seeking to be compelled is discretionary.
3. Plaintiff failed to plead sufficient facts supporting a claim of mandamus.
4. This Court lacks jurisdiction to consider this case.
5. Plaintiff lacks standing to sue Defendants.
6. Any and all of Plaintiff's alleged damages were caused by its own acts and/or omissions, and/or those of their agents.
7. Plaintiff fails to allege any cognizable damages resulting from Defendants' alleged acts and/or inactions.
8. Plaintiff's claims are barred in whole or in part by its failure to mitigate its damages.
9. Plaintiff's claims are barred in whole or in part by the equitable doctrines of waiver, estoppel, laches, unclean hands, and balancing the equities.

10. Plaintiff has failed to state a claim upon which relief may be granted for the reason that Plaintiff has failed to plead facts which would establish the existence of an actual controversy requiring this Court to declare the rights and other legal relations between the parties.

11. This Court lacks jurisdiction to consider this case because there is no actual controversy that necessitates the sharpening of issues through a declaratory judgment.

12. Plaintiffs' claims are barred because there is no actual controversy to establish standing.

13. This Court lacks subject matter jurisdiction to enter a declaratory judgment because there is no actual controversy between the parties.

**RESERVATION OF RIGHTS**

Proponent reserves the right to amend their Answer, including any responses and defenses as necessary, pursuant to MCR 7.206.

**PRAYER FOR RELIEF**

WHEREFORE, Proponent request that this Court dismiss Plaintiff's claims against Defendants with prejudice and deny Plaintiff's relief, pursuant to MCR 7.206, and grant Defendants any other relief the Court deems just.

Dated: September 1, 2022

Respectfully submitted,

By: /s/ Jason T. Hanselman  
Jason T. Hanselman (P61813)  
Gary P. Gordon (P26290)  
W. Alan Wilk (P54059)  
DYKEMA GOSSETT PLLC  
201 Townsend Street, Suite 900  
Lansing, MI 48933  
(517) 374-9181

*Attorneys for Proposed Intervening  
Defendant*