

**State of Michigan
Court of Appeals**

COMMITTEE TO BAN FRACKING IN
MICHIGAN, Plaintiff,

v

Case No. 346280

RUTH JOHNSON, in her official capacity
as Secretary of State, and SALLY WILLIAMS,
in her official capacity as Director of Elections,
Defendants.

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Motion to Amend and Supplement the Complaint

Plaintiff sued in this court for emergency mandamus relief on Tuesday, November 6, 2018, which was governor election day. In sum, the complaint alleged that the preceding day defendants refused to allow filing of signatures for an initiative petition under constitution article 2 section 9, despite assurances both of this court and

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defendants themselves in 2016 litigation that plaintiff would be able to file the same petition signatures prior to the next governor election.

Plaintiff tendered the signatures on November 5 and defendants rejected them.

The complaint of November 6 sought an immediate same-day writ of mandamus, or alternatively injunctive or similar relief within the court's discretion under MCR 7.216(7). Attached to the complaint was an emergency motion for same-day *ex parte* relief or a show-cause hearing.

The court having declined to act on November 6, the relief originally sought is now moot. Meanwhile plaintiff has served the defendants and their counsel has entered an appearance.

Plaintiff is expending resources to preserve the signatures pending the outcome of this case.

The amended and supplemented complaint asks the court to hold that plaintiff's action on November 5 constituted "filing" under the statute and order defendants to take possession of the signatures and provide them to the board of canvassers.

Wherefore plaintiffs ask the court to allow the amended and supplemented complaint.

Respectfully submitted,

s/ Ellis Boal
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Dated: November ____, 2018