

**STATE OF MICHIGAN  
COURT OF APPEALS**

COMMITTEE TO BAN FRACKING IN  
MICHIGAN,

Plaintiff,

Court of Appeals No.

v

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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**EMERGENCY MOTION FOR SAME-DAY IMMEDIATE  
CONSIDERATION**

Plaintiff respectfully moves the Court under MCR 3.305(C) and 7.211(C)(6) to issue ex parte relief or hold a show cause hearing **THIS AFTERNOON** on Plaintiff's Emergency Motion for Mandamus.

Late yesterday afternoon, November 5, 2018, Plaintiff attempted to file its completed statutory initiative petition under Mich Const art 2, § 9, bearing the verified signatures of approximately 270,962 Michigan voters, to Defendants' Bureau of Elections office. However, to great astonishment of Plaintiff's executive director and legal counsel then present to tender the filing, Defendants unlawfully and capriciously refused to accept Plaintiff's petition for filing and referral to the Board of State Canvassers. Because MCL 168.473b prohibits the filing of signatures collected prior to an intervening gubernatorial election, today's date of November 6, 2018 constitutes the final day that Plaintiff's petition signatures can be filed in compliance with that statutory restriction.

Plaintiff's executive director and legal counsel intend to remain in Lansing throughout the day and will be available to file the petition immediately upon notice of this Court's issuance mandamus relief.

### **REQUEST FOR RELIEF**

Wherefore in light of the extremely exigent circumstances now created by Defendants' refusal to comply with their clear legal duty under MCL 168.475, Plaintiff respectfully requests that the Court hold a show cause hearing this

afternoon or issue ex parte relief in time for Plaintiff to file its petition in compliance with MCL 168.473b.

Respectfully submitted,

/s/ Ellis Boal

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### **Proof of Service**

I hereby certify that, on November 6, 2018, I served the above document and appended exhibits on Defendants by personal service to Defendants' state office and the office of the Attorney General.

/s/ Ellis Boal

Ellis Boal