

STATE OF MICHIGAN  
COURT OF APPEALS

COMMITTEE TO BAN FRACKING IN  
MICHIGAN,

Plaintiff-Appellant,

Court of Appeals # 354270  
Court of Claims # 20-000125-MM  
Hon. Christopher M. Murray

v

BOARD OF STATE CANVASSERS,

Defendant-Appellee.

**The appeal involves a ruling that a  
provision of the constitution, a  
statute, rule or regulation, or  
other state governmental action is  
invalid**

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**Motion for Immediate Consideration of Previously-Filed  
“Motion for Immediate Consideration”  
Which the Court is Treating as a Motion to Expedite**

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Earlier today, July 22, 2020, Plaintiff-Appellant Committee to Ban Fracking in Michigan (“the Committee”) filed a Claim of Appeal, the jurisdictional checklist, the lower court docket sheet, the Brief of Appellant, and a “Motion for Immediate Consideration” of the appeal. The Court assigned the case the above docket number and served the documents on all above-listed counsel, who include opposing counsel.

The 29-page Brief of Appellants argued the merits of this case.

Counsel filed the “Motion for Immediate Consideration” under MCR 7.211(A)(4), a procedure whereby a movant can request an early hearing date.

On receipt the Court clerk called Committee counsel Mathew Erard to advise the Court would only accept a “Motion for Immediate Consideration” as ancillary to some other motion. Accordingly the Court would treat the “Motion for Immediate Consideration” instead as a “Motion to Expedite,” to which a new Motion for Immediate Consideration for an early hearing date could now be attached.

This is that motion. The Committee seeks an early hearing date of the Motion to Expedite, which itself asked the Court to direct Defendant-Appellee Board of State Canvassers (“the Canvassers”) to respond to the appeal *this week*.

This is a petition case about canvassing of initiative signatures, so the case is entitled to priority under MCR 7.213(C)(4). It also questions the constitutionality of MCL 168.472a. There is also an issue of the jurisdiction of the Court of Claims.

In all previous related proceedings, this Court as well as the Supreme Court and the Court of Claims, have treated it with priority.

Expeditious handling is particularly important here because it could affect ballots for the upcoming November 3 election, which need to be printed well in advance.

As outlined in the “Motion for Immediate Consideration,” and recited more fully in the Brief of Appellants, the need for speed is due totally to the Canvassers’ previous “unlawful” 17-month delay (so termed by this Court), added to which was their 39 days of foot-dragging in acting on the Committee's signatures once they were allowed in the door this last May 1.

The Canvassers are fully conversant with the facts and issues, having fully briefed them before. The Committee's brief on the merits is already filed.

Accordingly the Committee requests immediate consideration of the “Motion for Immediate Consideration,” which requests that the Canvassers respond to the appeal, on the merits, *this week*.

Respectfully submitted,

/s/ Matthew Erard

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Dated: July 22, 2020.