

**STATE OF MICHIGAN
COURT OF APPEALS**

COMMITTEE TO BAN FRACKING IN
MICHIGAN,

Plaintiff-Appellant,

Court of Appeals # 354270
Court of Claims # 20-000125-MM

v

BOARD OF STATE CANVASSERS,

Defendant-Appellee.

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**Motion for Immediate Consideration of
Motion to Allow Filing of a Reply Brief on
The Committee's Renewed Motion to Expedite**

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Yesterday, July 28, 2020, the Committee moved to allow filing of a reply brief on its renewed motion to expedite this appeal.

The present motion seeks immediate consideration of and an early hearing date on that motion.

The Court is well familiar with the background of this case having resolved it twice, most recently on April 2, 2020, wherein the Court noticed the July 26 deadline for the Canvassers to hold the Committee's petition sufficient or insufficient.

If the Court were to hold MCL 168.472a unconstitutional and further that the Court of Claims had jurisdiction of the case below, July 26 has now passed due to unlawful and tardy actions of the Canvassers. Specifically, they took 39 days to act as compared to 9 days for similar review of another committee in 2016. And, after April 2 they acted on thousands of signatures of another committee and of more than a dozen candidates – signatures filed long after the Committee's. (Details of this are explained more fully in the Committee's previous papers in this appeal.)

The Committee has filed a motion and a renewed motion to expedite this appeal, the latter of which is currently pending. The renewed motion specified a date by which Court action is needed to provide effective relief.

Yesterday morning the Canvassers opposed the renewed motion, and in so doing presented – newly for this Court – a false claim of the invalidity of the

signatures of two of the Committee's top leadership.

Yesterday afternoon the Committee sought leave to reply, just to that new claim.

For reasons outlined in the Committee's previous papers expedited and immediate handling is needed in all matters related to this case – again, provided the Court is inclined to hold 472a unconstitutional and that the Court of Claims had jurisdiction of the case below.

Accordingly the Committee asks the Court to consider immediately its motion to allow a reply to the renewed motion to expedite.

Respectfully submitted,

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