

STATE OF MICHIGAN
IN THE COURT OF APPEALS

COMMITTEE TO BAN FRACKING IN
MICHIGAN,

Court of Appeals No. 354270

Plaintiff-Appellant,

Court of Claims No. 20-000125-MM

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.

**APPELLEE BOARD OF STATE CANVASSERS
MOTION TO PERMIT ORAL ARGUMENT**

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Dated: December 1, 2020

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**APPELLEE BOARD OF STATE CANVASSERS
MOTION TO PERMIT ORAL ARGUMENT**

Defendant-Appellee Board of State Canvassers (the Board), moves this Honorable Court to permit it to participate in oral arguments on December 8, 2020 for the following reasons:

1. Plaintiff-Appellant Committee to Ban Fracking in Michigan (CBFM) did not request oral argument in this matter.
2. In light of CBFM's declining to request oral argument, the Board did not see any need to make the request for itself.
3. On the morning of November 24, 2020, CBFM sought concurrence in a motion requesting oral argument. The same day, the Board informed CBFM that it did not concur in its motion. CBFM filed its motion just over an hour later.
4. The Board did not concur in the motion for several reasons. First, because the motion was untimely since it was being raised less than two weeks before the proposed argument date, and—based on the reasons offered by CBFM—it should have been brought, if at all, shortly after this Court denied expedited review on July 24, 2020. Second, CBFM's motion offered little reason why oral argument would be useful in this case, other than to address issues already presented in the briefs.
5. This Court's on-line docket still shows that an answer to CBFM's motion would have been due December 1, 2020.

6. On November 30, 2020, this Court entered an Order granting CBFM's motion and stated that "Counsel for Plaintiff-Appellant shall be entitled to ten minutes of oral argument." The Order does not indicate whether the Board would be entitled to argument, as well.
7. Because CBFM has been granted oral argument, the Board wishes to have an opportunity to respond to CBFM's argument and answer any questions the Court may have.

RELIEF REQUESTED

Defendant-Appellee Michigan Board of State Canvassers respectfully requests that this Honorable Court permit its counsel to participate in oral arguments on December 8, 2020.

Respectfully submitted,

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