STATE OF MICHIGAN
COURT OF CLAIMS

MICHIGAN HOUSE OF REPRESENTATIVES and MICHIGAN SENATE,

Plaintiffs,

v

GRETCHEN WHITMER, in her official capacity as Governor for the State of Michigan,

Defendant.
_____/

Case No. 20-000079-MZ

Hon. Cynthia Diane Stephens

MOTION OF HOUSE DEMOCRATIC LEADER CHRISTINE GREIG AND THE HOUSE DEMOCRATIC CAUCUS TO FILE A BRIEF AS *AMICI CURIAE* AND TO EXCEED THE PAGE LIMITATION

Michigan House Democratic Leader Christine Greig and the House Democratic Caucus file this motion to file a brief as *amici curiae* in opposition to Plaintiffs' Motion for Declaratory Judgment and to exceed the court rule page limitation. In support, we offer the following reasons:

1. Plaintiffs brought this case on behalf of the Legislature. They challenge certain executive orders issued by Governor Whitmer in response to the COVID-19 pandemic. Plaintiffs argue that the orders exceed statutory authority, violate the constitutional separation of powers, and usurp the function of the Legislature.

2. The proposed *amici* are members of the Legislature who do not support the position that has been taken in their name in this litigation. The proposed *amici* argue that it is Plaintiffs' position—and not that of the Governor—that undermines the authority of the Legislature and threatens the constitutional separation of powers.

3. The proposed *amici* submit the attached brief to vindicate the powers of the Legislature—by giving full effect to the text of the laws the Legislature has adopted, and by ensuring that the Legislature's power is not hamstrung in the future by an unduly restrictive nondelegation doctrine.

4. The Court has permitted the parties to exceed the court rule page limitation. *Amici* request the same consideration so that the arguments in the attached brief may be fully developed for the benefit of the Court.

5. The proposed brief is being filed at the same time as this motion.

CONCLUSION

The proposed *amici* respectfully request that this Court grant the motion to file the attached brief as *amici curiae* in opposition to Plaintiffs' Motion for Declaratory Judgment and to exceed the page limitation.

Respectfully submitted.

/s Samuel R. Bagenstos
Samuel R. Bagenstos (P73971)
625 S. State St.
Ann Arbor, MI 48109
734-647-7584
sbagen@gmail.com

Nathan Triplett (P76683)
Democratic Legal Counsel
Michigan House of Representatives
PO Box 30014
Lansing, MI 48909-7514
517-373-5894
NTriplett@house.mi.gov

Attorneys for Amici Curiae

Dated: May 12, 2020

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2020, I filed the foregoing with the Clerk of the Court via hand delivery and served all counsel of record via email, in accordance with temporary court procedures.

By: /s Nathan Triplett
Nathan Triplett (P76683)