

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

RUTH JOHNSON, TERRI LYNN
LAND, and MARIAN SHERIDAN,
Plaintiffs,

v.

JOCELYN BENSON, Secretary of
State of the State of Michigan, in her
official capacity,
Defendant.

Civil Action No. 1:20-cv-00948

**EXPEDITED CONSIDERATION
REQUESTED**

PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to Fed. R. Civ. P. 65(a), Plaintiffs Ruth Johnson, Terri Lynn Land, and Marian Sheridan hereby move the Court to enjoin, for the pendency of this case, the Defendant, Jocelyn Benson, Secretary of State of the State of Michigan, from permitting ballots that arrive at polling places after 8:00 p.m. on election day, including those not bearing postmarks, to be counted in the November 3, 2020 presidential election. The Defendant's stated policy of counting late ballots violates Article II of the U.S. Constitution and 3 U.S.C. § 1 and will impose irreparable harm on Plaintiffs by diluting their votes and threatening their ability to participate in the electoral college. The balance of equities and public interest support an injunction to protect all voters in Michigan and to preserve the integrity of the statewide vote.

Plaintiffs respectfully request that the Rule 65(c) bond amount, if any be required, be set at one dollar, as "the inconvenience and monetary loss" of the

requested injunction is valued at zero dollars. *Roth v. Bank of the Commonwealth*, 583 F.2d 527, 538–39 (6th Cir. 1978). Plaintiffs additionally respectfully request expedited consideration of this motion due to the imminent election and statutory ballot-receipt deadline of 8:00 p.m., November 3, 2020.

The bases of this motion are set forth fully in the accompanying Memorandum and declarations. For reasons stated there, the Court should grant the motion.

Date: September 30, 2020

Respectfully submitted,

/s/ Todd A. Dawson
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* Applications for Admission pending

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been filed on September 30, 2020, via the CM/ECF system, and that the foregoing has been served by hand delivery on Defendant.

Date: September 30, 2020

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