

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD AGEE, JR., an individual, *et al.*,

Plaintiffs,

v.

JOCELYN BENSON, in her official capacity
as the Secretary of State of Michigan, *et al.*;

Defendants.

Case No. 1:22-cv-00272

**Three-Judge Panel Appointed Pursuant to
28 U.S.C. § 2284(a)**

**CONSENT MOTION TO AMEND THE DISPOSITIVE MOTION BRIEFING
SCHEDULE DUE TO DEPOSITION TRANSCRIPT AVAILABILITY**

EXPEDITED CONSIDERATION REQUESTED

Plaintiffs, by and through their respective counsel, state as follows for their Consent Motion To Amend The Dispositive Motion Briefing Schedule:

1. Under the Court’s Case Management Order, Dispositive Motions are to be filed by May 5, 2023, with Responses by June 2, 2023, and Reply Briefs by June 16, 2023. ECF No. 38, PageID.507.
2. The Court’s Case Management Order further states, “[t]here shall be no deviations from this order without prior approval of the court upon good cause shown.” *Id.* at PageID.508.
3. On April 20, 2023, Defendants Michigan Independent Citizens Redistricting Commission, Douglas Clark, Juanita Curry, Anthony Eid, Rhonda Lange, Steven Terry Lett, Brittni Kellom, Cynthia Orton, M.C. Rothhorn, Rebecca Szetela, Janice Vallette, Erin Wagner, Richard Weiss, and Dustin Witjes, each in his or her official capacity as a Commissioner of the Commission (collectively, the “Commission”) took the deposition of Sean P. Trende, who has been designated by Plaintiffs as an expert witness.

4. Immediately following the conclusion of Mr. Trende's deposition, Counsel for Plaintiffs verbally ordered the transcript and was not given the option for expediated service.

5. Due to its untimely receipt, counsel for Plaintiffs followed-up with the court reporter and received it the that same day on May 1, 2023.

6. Plaintiffs believe the transcript is necessary for dispositive motion briefing.

7. Plaintiffs ask that in lieu of the schedule set forth in the Court's Case Management Order, the parties shall be allowed to file Dispositive Motions by May 9, 2023, Responses to Dispositive Motions by June 6, 2023, and any Reply Briefs by June 20, 2023.

8. Defendants consent to this proposed scheduling adjustment.

9. Good cause therefore exists for a minor deviation from the Court's Case Management Order to permit the Parties to follow the above schedule.

10. Expediated consideration is necessary due to the impending May 5, 2023, deadline to file dispositive motions. LCivR 7.1(e).

11. Pursuant to LCivR 5.7(g), a proposed order granting the relief requested herein is attached as **Exhibit A**.

WHEREFORE, Plaintiffs with Defendants' consent respectfully request that the Court enter an Order granting the Parties leave to file Dispositive Motions by May 9, 2023, Responses to Dispositive Motions by June 6, 2023, and any Reply Briefs by June 20, 2023.

Dated: May 3, 2023

Respectfully submitted,

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Vallette, Erin Wagner, Richard Weiss, and Dustin
Witjes, each
in his or her official capacity as a
Commissioner of the Michigan
Independent Citizens Redistricting
Commission*

EXHIBIT A

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**Three-Judge Panel Appointed Pursuant to
28 U.S.C. § 2284(a)**

**ORDER GRANTING MOTION TO AMEND THE DISPOSITIVE MOTION
BRIEFING SCHEDULE**

Pending before the Court is a consent motion by Plaintiffs for leave to allow the Parties to file Dispositive Motions by May 9, 2023, Responses to Dispositive Motions by June 6, 2023, and any Reply Briefs by June 20, 2023, in lieu of the schedule set forth in the Court's Case Management Order (ECF No. 38). Upon due consideration of the motion by the Court, the motion is GRANTED and the deadlines for Dispositive Motions in the Case Management Order are hereby amended as follows:

Dispositive Motions	Motions:	Due May 9, 2023
	Responses:	Due June 6, 2023
	Reply Briefs:	Due June 20, 2023

IT IS SO ORDERED.

Dated: _____

/s/ _____
Hon. Paul L. Maloney
United States District Judge
On behalf of the Three-Judge Panel