## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

DONALD AGEE, JR. et al.,

Plaintiffs,

v.

JOCELYN BENSON, et al.,

Defendants.

Case No. 1:22-CV-00272-PLM-RMK-JTN

MOTION OF THE COMMISSION TO STRIKE CERTAIN EVIDENCE UNTIMELY PRESENTED BY PLAINTIFFS

NOW COME the Michigan Independent Citizens Redistricting Commission and its members<sup>1</sup> (collectively, the Commission), by counsel, and respectfully move this Court for an order striking from the record certain evidence Plaintiffs untimely presented for the first time in their post-trial filings.

This Motion is supported by the accompanying Brief in Support, which are incorporated herein by this reference. A Certificate is also filed in compliance with W.D. Mich. Civ. R. 7.1(d) reflecting counsel's unsuccessful attempt to gain Plaintiffs' concurrence with this motion.

Dated: December 8, 2023

Respectfully submitted,

<u>/s/ Nathan J. Fink</u> FINK BRESSACK David H. Fink (P28235) Nathan J. Fink (P75185) 38500 Woodward Ave., Suite 350 Bloomfield Hills, Michigan 48304 (248) 971-2500 dfink@finkbressack.com nfink@finkbressack.com

<sup>&</sup>lt;sup>1</sup> The official-capacity defendants are Douglas Clark, Juanita Curry, Anthony Eid, Rhonda Lange, Steven Terry Litt, Brittni Kellom, Cynthia Orton, M.C. Rothhorn, Rebecca Szetela, Janice Vallette, Erin Wagner, Richard Weiss, and Dustin Witjes.

/s/ Richard B. Raile

BAKER & HOSTETLER LLP Katherine L. McKnight E. Mark Braden Richard B. Raile Dima J. Atiya 1050 Connecticut Ave., NW, Suite 1100 Washington, D.C. 20036 (202) 861-1500 kmcknight@bakerlaw.com mbraden@bakerlaw.com rraile@bakerlaw.com datiya@bakerlaw.com

BAKER & HOSTETLER LLP Patrick T. Lewis 127 Public Square, Suite 2000 Cleveland, Ohio 44114 (216) 621-0200 plewis@bakerlaw.com

Counsel for Defendants, Michigan Independent Citizens Redistricting Commission, and Douglas Clark, Juanita Curry, Anthony Eid, Rhonda Lange, Steven Terry Litt, Brittni Kellom, Cynthia Orton, M.C. Rothhorn, Rebecca Szetela, Janice Vallette, Erin Wagner, Richard Weiss, and Dustin Witjes, each in their official capacities as Commissioners of the Michigan Independent Citizens Redistricting Commission