

STATE OF MICHIGAN
IN THE 6TH JUDICIAL CIRCUIT COURT
FOR THE COUNTY OF OAKLAND

GRETCHEN WHITMER, on behalf of the
State of Michigan,

Plaintiff,

v

JAMES R. LINDERMAN, Prosecuting
Attorney of Emmet County, DAVID S.
LEYTON, Prosecuting Attorney of
Genesee County, NOELLE R.
MOEGGENBERG, Prosecuting Attorney
of Grand Traverse County, CAROL A.
SIEMON, Prosecuting Attorney of Ingham
County, JERARD M. JARZYNSKA,
Prosecuting Attorney of Jackson County,
JEFFREY S. GETTING, Prosecuting
Attorney of Kalamazoo County,
CHRISTOPHER R. BECKER, Prosecuting
Attorney of Kent County, PETER J.
LUCIDO,
Prosecuting Attorney of Macomb County,
MATTHEW J. WIESE, Prosecuting
Attorney of Marquette County, KAREN D.
McDONALD, Prosecuting Attorney of
Oakland County, JOHN A. McCOLGAN,
Prosecuting Attorney of Saginaw County,
ELI NOAM SAVIT, Prosecuting Attorney
of Washtenaw County, and KYM L.
WORTHY,
Prosecuting Attorney of Wayne County, in
their official capacities,

Defendants.

Case No. 22-193498-CZ

HON. JACOB JAMES CUNNINGHAM

**PROPOSED INTERVENORS RIGHT TO
LIFE OF MICHIGAN AND MICHIGAN
CATHOLIC CONFERENCE'S MOTION
FOR IMMEDIATE CONSIDERATION OF
THEIR (1) MOTION FOR LEAVE TO FILE
A BRIEF IN OPPOSITION TO
GOVERNOR GRETCHEN WHITMER'S
MOTION FOR PRELIMINARY
INJUNCTION AND (2) MOTION FOR
LEAVE TO FILE A REPLY IN SUPPORT
OF RENEWED MOTION TO INTERVENE**

**This case involves a claim that state
governmental action is invalid**

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**PROPOSED INTERVENORS RIGHT TO LIFE OF MICHIGAN AND
MICHIGAN CATHOLIC CONFERENCE’S MOTION FOR IMMEDIATE
CONSIDERATION OF THEIR (1) MOTION FOR LEAVE TO FILE A BRIEF IN
OPPOSITION TO GOVERNOR GRETCHEN WHITMER’S MOTION FOR
PRELIMINARY INJUNCTION AND (2) MOTION FOR LEAVE TO FILE A REPLY IN
SUPPORT OF RENEWED MOTION TO INTERVENE**

Right to Life of Michigan and the Michigan Catholic Conference move for immediate consideration of their motion for leave to file a brief in opposition to Governor Whitmer’s motion for preliminary injunction under MCR 2.119. In support, proposed intervenors state the following:

1. Right to Life of Michigan and the Michigan Catholic Conference filed a timely motion to intervene as defendants in this matter and a proposed answer on May 4, 2022.
2. On May 24, 2022, this Court adjourned Proposed Intervenors’ motion.
3. This Court reactivated the case on August 1, 2022, by granting Governor Whitmer’s *ex parte* motion for a temporary restraining order.
4. On August 3, 2022, Proposed Intervenors renewed their motion to intervene.
5. Counsel for Proposed Intervenors attempted to ask this Court to consider their renewed motion to intervene at the TRO hearing on August 3, 2022, but was denied an opportunity to speak at the hearing.
6. After the TRO hearing, the earliest hearing that Right to Life of Michigan and the Michigan Catholic Conference were able to obtain on their motion to intervene is August 17, 2022, the same date as the preliminary-injunction hearing in this matter.
7. Governor Whitmer filed a response in opposition to Right to Life of Michigan and the Michigan Catholic Conference’s renewed motion to intervene on August 9, 2022.
8. On August 10, 2022, Proposed Intervenors filed a motion for leave to file a reply in support of their renewed motion to intervene.

9. For that reply brief to have any effect, this Court must review it before the August 17, 2022, hearing.

10. In addition, if Proposed Intervenors are to participate in the preliminary-injunction proceedings, this Court must review their brief in opposition before the August 17, 2022, hearing.

11. Proposed Intervenors have separate counsel and interests, and their brief in opposition raises different arguments than those made by Defendants Jarzynka and Becker.

12. So far, in these proceedings, the Governor's counsel and multiple attorneys representing pro-abortion county prosecutors have been allowed to oppose MCL 750.14's constitutionality. But only counsel for Defendants Jarzynka and Becker have offered a substantive defense of MCL 750.14's constitutionality.

13. This Court's consideration of Proposed Intervenors' brief in opposition to the Governor's preliminary-injunction motion will remedy what has—thus far—been an imbalanced proceedings that favors the pro-abortion side.

14. Granting Proposed Intervenors' motion for immediate consideration and considering their briefs in advance of the August 17, 2022, preliminary-injunction hearing, is in the interests of justice and "fairness." **Exhibit 1**, 5/20/22 Order, *Whitmer v Linderman*, S. Ct. No. 164256 (Bernstein, J., concurring).

15. Indeed, "[g]iven the gravity of the issues presented in this case," this Court "should strive to open the courtroom doors to as many voices as possible." *Id.* (Bernstein, J., concurring).

For these reasons, Right to Life of Michigan and the Michigan Catholic Conference ask this Court (1) to grant their motion for immediate consideration, (2) grant their motion for leave to file a brief opposing the preliminary injunction, (3) grant their motion for leave to file a reply

supporting the renewed motion to intervene, and (4) review both of their briefs in advance of the August 17, 2022, hearing.

Dated: August 15, 2022

Respectfully submitted,

ALLIANCE DEFENDING FREEDOM

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