

**U.S. District Court
Eastern District of Michigan (Detroit)
CIVIL DOCKET FOR CASE #: 2:20-cv-10831-TGB-EAS**

Esshaki v. Whitmer et al
Assigned to: District Judge Terrence G. Berg
Referred to: Magistrate Judge Elizabeth A. Stafford
Demand: \$0
Case in other court: U.S. Court of Appeals - Sixth
Circuit, 20-01336
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 03/31/2020
Date Terminated: 09/02/2020
Jury Demand: None
Nature of Suit: 441 Civil Rights:
Voting
Jurisdiction: Federal Question

Plaintiff

Eric Esshaki

represented by **Eric Steven Esshaki**

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ATTORNEY TO BE NOTICED

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V.

Intervenor Plaintiff

Ms. Shakira L Hawkins

represented by **Saura J. Sahu**

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V.

Defendant

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Defendant

Jocelyn Benson

represented by **Heather S. Meingast**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jonathan Brater

represented by **Heather S. Meingast**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Armand Velardo

V.

Movant

Brenda K. Sanders

TERMINATED: 07/30/2020

represented by **Brenda K. Sanders**
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Amicus

Daniel Finley

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V.

Intervenor

Matt Savich

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ATTORNEY TO BE NOTICED

Intervenor

Lynn M. Maison

represented by **Jean E. Kordenbrock**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/31/2020	<u>1</u>	COMPLAINT filed by Eric Esshaki against All Defendants. Plaintiff requests summons issued. Receipt No: AMIEDC-7713384 - Fee: \$ 400. County of 1st Plaintiff: Oakland - County Where Action Arose: Oakland - County of 1st Defendant: Lenawee. [Previously dismissed case: No] [Possible companion case(s): None] (Rohl, Gregory) (Entered: 03/31/2020)
03/31/2020	<u>2</u>	MOTION for Temporary Restraining Order by Eric Esshaki. (Rohl, Gregory) (Entered: 03/31/2020)
04/01/2020	<u>3</u>	SUMMONS Issued for *Jocelyn Benson, Jonathan Brater, Gretchen Whitmer* (SKra) (Entered: 04/01/2020)
04/01/2020		A United States Magistrate Judge of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form is available for download at http://www.mied.uscourts.gov (SKra) (Entered: 04/01/2020)
04/01/2020	<u>4</u>	NOTICE TO APPEAR BY TELEPHONE: Miscellaneous Hearing set for 4/1/2020 01:30 PM before District Judge Terrence G. Berg (AChu) (Entered: 04/01/2020)

04/01/2020		Minute Entry for proceedings before District Judge Terrence G. Berg: Miscellaneous Hearing held on 4/1/2020 (Court Reporter: None Present, Not on the Record) (AChu) (Entered: 04/01/2020)
04/07/2020	5	ATTORNEY APPEARANCE: Heather S. Meingast appearing on behalf of Jocelyn Benson, Jonathan Brater, Gretchen Whitmer (Meingast, Heather) (Entered: 04/07/2020)
04/10/2020	6	RESPONSE to 2 MOTION for Temporary Restraining Order filed by Jocelyn Benson, Jonathan Brater, Gretchen Whitmer. (Attachments: # 1 Index of Exhibits Exhibit List, # 2 Exhibit 1. Chart) (Meingast, Heather) (Entered: 04/10/2020)
04/10/2020	7	MOTION to Intervene <i>for leave to file Amicus Curiae Brief under Fed. R. Civ. P. 29 and 32</i> by Daniel Finley. (Attachments: # 1 Document Continuation Amicus Curiae Brief, # 2 Exhibit Ex. 1) (Finley, Daniel) (Entered: 04/10/2020)
04/10/2020	8	NOTICE TO APPEAR BY TELEPHONE: Miscellaneous Hearing set for 4/13/2020 10:30 AM before District Judge Terrence G. Berg (AChu) (Entered: 04/10/2020)
04/10/2020	9	NOTICE OF HEARING BY VIDEOCONFERENCE on 2 MOTION for Temporary Restraining Order. Reply due by 4/14/2020, Motion Hearing set for 4/15/2020 02:00 PM before District Judge Terrence G. Berg. (AChu) (Entered: 04/10/2020)
04/10/2020		TEXT-ONLY ORDER GRANTING 7 MOTION to Intervene. Any amicus curiae brief by movant shall be filed by 4/14/20. Issued by District Judge Terrence G. Berg. (AChu) (Entered: 04/10/2020)
04/13/2020		Minute Entry for proceedings before District Judge Terrence G. Berg: Miscellaneous Hearing held on 4/13/2020 (Court Reporter: None Present, Not on the Record) (AChu) (Entered: 04/13/2020)
04/14/2020	10	REPLY to Response re 2 MOTION for Temporary Restraining Order filed by Eric Esshaki. (Rohl, Gregory) (Entered: 04/14/2020)
04/14/2020	11	MOTION to Intervene by Matt Savich. (Attachments: # 1 Exhibit Proposed Intervening Complaint) (Cafferty, Michael) (Entered: 04/14/2020)
04/14/2020	12	ATTORNEY APPEARANCE: Daniel P. Finley appearing on behalf of Daniel Finley <i>Amicus Curiae</i> (Finley, Daniel) (Entered: 04/14/2020)
04/14/2020	13	Amicus Curiae BRIEF by Daniel Finley (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3) (Finley, Daniel) (Entered: 04/14/2020)

04/14/2020	14	MOTION for Leave to File <i>Amicus Curiae Brief</i> by American Civil Liberties Union of Michigan. (Korobkin, Daniel) (Entered: 04/14/2020)
04/14/2020	15	Amicus Curiae BRIEF by American Civil Liberties Union of Michigan (Attachments: # 1 Index of Exhibits, # 2 Exhibit A - Bannister Declaration, # 3 Exhibit B - Faulkner for Virginia v. Virginia Department of Elections) (Korobkin, Daniel) (Entered: 04/14/2020)
04/15/2020	16	NOTICE of Appearance by Michael J. Steinberg on behalf of American Civil Liberties Union of Michigan. (Steinberg, Michael) (Entered: 04/15/2020)
04/15/2020	17	EMERGENCY MOTION for Joinder and/or Motion for Leave to File Amicus Curiae Brief by Deana Beard. (AChu) (Entered: 04/15/2020)
04/15/2020	18	Intervenor's Complaint for Emergency Declaratory and Injunctive Relief by Kyle Kopitke. (AChu) (Entered: 04/15/2020)
04/15/2020	19	NOTICE of Appearance by Jean E. Kordenbrock on behalf of Whitney Williams. (Kordenbrock, Jean) (Entered: 04/15/2020)
04/15/2020	20	MOTION for Leave to File <i>an Amicus Curiae Brief</i> by Whitney Williams. (Kordenbrock, Jean) (Entered: 04/15/2020)
04/15/2020	21	Amicus Curiae BRIEF by Whitney Williams (Kordenbrock, Jean) (Entered: 04/15/2020)
04/15/2020		Minute Entry for proceedings before District Judge Terrence G. Berg: Motion Hearing held on 4/15/2020 re 2 MOTION for Temporary Restraining Order filed by Eric Eshaki. Disposition: Motion taken under advisement. (Court Reporter: Linda Cavanagh) (AChu) (Entered: 04/15/2020)
04/20/2020	22	ORDER GRANTING Motions to File Amicus Curiae Briefs; GRANTING AND DENYING Motions to Intervene. Signed by District Judge Terrence G. Berg. (AChu) (Entered: 04/20/2020)
04/20/2020	23	ORDER GRANTING 2 Motion for Preliminary Injunction. Signed by District Judge Terrence G. Berg. (AChu) (Entered: 04/20/2020)
04/21/2020	24	NOTICE OF APPEAL by Jocelyn Benson, Gretchen Whitmer, Jonathan Brater re 23 Order on Motion for TRO. Receipt No: AMIEDC-7753388 - Fee: \$ 505 - Fee Status: Fee Paid. (Meingast, Heather) (Entered: 04/21/2020)
04/21/2020	25	Certificate of Service re 24 Notice of Appeal. (SKra) (Entered: 04/21/2020)
04/22/2020	26	Emergency MOTION Motion Under Rule 60(B) for Limited Relief from the Court's Order Granting a Preliminary Injunction, or

		Alternatively for a Stay Pending Emergency Appeal re 23 Order on Motion for TRO by Jocelyn Benson, Jonathan Brater, Gretchen Whitmer. (Attachments: # 1 Index of Exhibits Exhibit List, # 2 Exhibit A. Declaration of Melissa Malerman) (Meingast, Heather) (Entered: 04/22/2020)
04/22/2020	27	Ex Parte MOTION for Leave to File Excess Pages <i>for Defendants' Brief in Support of Emergency Motion under Rule 60(B) for Limited Relief from the Court's Order Granting a Preliminary Injunction, or Alternatively for a Stay Pending Emergency Appeal</i> by Jocelyn Benson, Jonathan Brater, Gretchen Whitmer. (Meingast, Heather) (Entered: 04/22/2020)
04/22/2020		TEXT-ONLY ORDER GRANTING 27 Ex Parte MOTION for Leave to File Excess Pages. Issued by District Judge Terrence G. Berg. (AChu) (Entered: 04/22/2020)
04/22/2020	28	NOTICE TO APPEAR BY TELEPHONE: Miscellaneous Hearing set for 4/23/2020 11:00 AM before District Judge Terrence G. Berg (AChu) (Entered: 04/22/2020)
04/22/2020	29	AMENDED NOTICE OF HEARING: Miscellaneous Hearing set for 4/23/2020 11:00 AM before District Judge Terrence G. Berg. (AChu) (Entered: 04/22/2020)
04/23/2020	30	ATTORNEY APPEARANCE: Eric Steven Esshaki appearing on behalf of Eric Esshaki (Esshaki, Eric) (Entered: 04/23/2020)
04/23/2020	31	DECLARATION by Matt Savich filed by Matt Savich (Cafferty, Michael) (Entered: 04/23/2020)
04/23/2020		Minute Entry for proceedings before District Judge Terrence G. Berg: Miscellaneous Hearing held on 4/23/2020 (Court Reporter: Linda Cavanagh) (AChu) (Entered: 04/24/2020)
04/24/2020	32	TRANSCRIPT of Motion for Temporary Restraining Order held on 04/15/2020. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 45) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/15/2020. Redacted Transcript Deadline set for 5/26/2020. Release of Transcript Restriction set for 7/23/2020. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 04/24/2020)
04/24/2020	33	DECLARATION filed by Eric Esshaki (Rohl, Gregory) (Entered: 04/24/2020)

04/24/2020	34	<p>SUPPLEMENTAL BRIEF re 26 Emergency MOTION Motion Under Rule 60(B) for Limited Relief from the Court's Order Granting a Preliminary Injunction, or Alternatively for a Stay Pending</p> <p>Emergency Appeal re 23 Order on Motion for TRO filed by Jocelyn Benson, Jonathan Brater, Gretchen Whitmer. (Attachments: # 1 Index of Exhibits Exhibit List, # 2 Exhibit A. Declaration of Melissa Malerman) (Meingast, Heather) (Entered: 04/24/2020)</p>
04/24/2020	35	<p>DECLARATION by Dennis Donahue filed by American Civil Liberties Union of Michigan (Attachments: # 1 Exhibit Declaration of Dennis Donahue) (Korobkin, Daniel) (Entered: 04/24/2020)</p>
04/24/2020	36	<p>Brief in RESPONSE to 26 Defendant's Emergency Motion Under Rule 60(B) for Limited Relief from the Court's Order Granting a Preliminary Injunction, or Alternatively for a Stay Pending Emergency Appeal filed by Deana Beard. (AChu) (Entered: 04/24/2020)</p>
04/25/2020	37	<p>ORDER DENYING 26 Defendants' Rule 60(b) Motion and Request for Stay Pending Appeal. Signed by District Judge Terrence G. Berg. (AChu) (Entered: 04/25/2020)</p>
05/05/2020	45	<p>ORDER from U.S. Court of Appeals - Sixth Circuit re 24 Notice of Appeal filed by Jonathan Brater, Jocelyn Benson, Gretchen Whitmer [Appeal Case Number 20-1336] (SKra) (Entered: 05/07/2020)</p>
05/06/2020		<p>TEXT-ONLY ORDER: In light of the recent ruling by the 6th Circuit Court of Appeals, Defendants are directed to submit proposed reasonable accommodations by 5:00 p.m. on 5/6/2020. Any objections from Plaintiffs shall be filed on or before noon on 5/7/2020. The Court will hold a hearing via videoconference on 5/7/2020 at 3:00 p.m. Set Hearings: (Response due by 5/6/2020 05:00 p.m., Objections due by 12:00 noon on 5/7/2020, Motion Hearing set for 5/7/2020 03:00 PM before District Judge Terrence G. Berg. Issued by District Judge Terrence G. Berg. (AChu) (Entered: 05/06/2020)</p>
05/06/2020	38	<p>STATEMENT of Proposed Amendment to April 20, 2020 Order Granting Preliminary Injunction by Jocelyn Benson, Jonathan Brater, Gretchen Whitmer (Meingast, Heather) (Entered: 05/06/2020)</p>
05/07/2020	39	<p>ERRATA Sheet re: 38 Statement filed by Jonathan Brater, Jocelyn Benson, Gretchen Whitmer. by Jocelyn Benson, Jonathan Brater, Gretchen Whitmer (Attachments: # 1 Document Continuation Errata - Page 5) (Meingast, Heather) (Entered: 05/07/2020)</p>
05/07/2020	40	<p>SUPPLEMENTAL BRIEF re 13 Amicus Curiae Brief filed by Daniel Finley. (Finley, Daniel) (Entered: 05/07/2020)</p>

05/07/2020	41	MOTION for Leave to File <i>Amicus Curiae Brief</i> by Michigan Republican Party. (Avers, Robert) (Entered: 05/07/2020)
05/07/2020	42	SUPPLEMENTAL BRIEF re Text-Only Order,,, Set Motion and R&R Deadlines/Hearings,, 38 Statement <i>RESPONSE TO DEFENDANTS PROPOSED ACCOMMODATIONS</i> filed by American Civil Liberties Union of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A - Witucki Declaration, # 3 Exhibit B - Hawkins Declaration) (Korobkin, Daniel) (Entered: 05/07/2020)
05/07/2020	43	Amicus Curiae BRIEF by Michigan Republican Party (Avers, Robert) (Entered: 05/07/2020)
05/07/2020	44	RESPONSE to 38 Defendants Proposed Order by Deana Beard. (AChu) (Entered: 05/07/2020)
05/07/2020		TEXT-ONLY ORDER GRANTING 41 MOTION for Leave to File <i>Amicus Curiae Brief</i> filed by Michigan Republican Party. Issued by District Judge Terrence G. Berg. (AChu) (Entered: 05/07/2020)
05/07/2020	46	NOTICE of Appearance by Charles R. Spies on behalf of Michigan Republican Party. (Spies, Charles) (Entered: 05/07/2020)
05/07/2020		Minute Entry for proceedings before District Judge Terrence G. Berg: Hearing held re 45 ORDER from U.S. Court of Appeals - Sixth Circuit on 5/7/2020. (Court Reporter: Linda Cavanagh) (AChu) (Entered: 05/07/2020)
05/11/2020	47	Emergency MOTION to Intervene <i>and Brief in Support, with Exh. A: [Proposed] Compl. in Intervention</i> by Shakira L Hawkins. (Sahu, Saura) (Entered: 05/11/2020)
05/11/2020	48	NOTICE by Shakira L Hawkins re 47 Emergency MOTION to Intervene <i>and Brief in Support, with Exh. A: [Proposed] Compl. in Intervention UPDATE RE CONCURRENCE AS TO PLAINTIFF ESSHAKI</i> (Sahu, Saura) (Entered: 05/11/2020)
05/12/2020		TEXT-ONLY ORDER: By 5:00 PM on 5/12/2020, proposed intervenor Shakira L. Hawkins shall file supplemental briefing addressing: (i) whether she has standing to bring her claim given that her name is currently on the ballot, and (ii) whether she personally made any expenditures as of March 10, 2020 that would have necessitated establishment of a candidate committee under Michigan Election Law. See Mich. Comp. Laws § 169.203(1)(c). Issued by District Judge Terrence G. Berg. (AChu) (Entered: 05/12/2020)
05/12/2020	49	SUPPLEMENTAL BRIEF re 47 Emergency MOTION to Intervene <i>and Brief in Support, with Exh. A: [Proposed] Compl. in Intervention</i> filed by Shakira L Hawkins. (Sahu, Saura) (Entered: 05/12/2020)

05/12/2020	50	EXHIBIT A & B re 49 Supplemental Brief by Shakira L Hawkins (Sahu, Saura) (Entered: 05/12/2020)
05/12/2020	51	MOTION for Temporary Restraining Order <i>Preliminary Injunction and Permanent Injunction</i> by Shakira L Hawkins. (Sahu, Saura) (Entered: 05/12/2020)
05/13/2020	52	ORDER granting 47 Motion to Intervene. Signed by District Judge Terrence G. Berg. (AChu) (Entered: 05/13/2020)
05/13/2020	53	NOTICE OF HEARING on 51 MOTION for Temporary Restraining Order <i>Preliminary Injunction and Permanent Injunction</i> . Response due by 5/15/2020, Reply due by 5/18/2020 12:00 noon, Motion Hearing set for 5/18/2020 03:00 PM before District Judge Terrence G. Berg (AChu) (Entered: 05/13/2020)
05/14/2020	54	RESPONSE to 51 MOTION for Temporary Restraining Order <i>Preliminary Injunction and Permanent Injunction</i> filed by Daniel Finley. (Finley, Daniel) (Entered: 05/14/2020)
05/15/2020	55	RESPONSE to 51 MOTION for Temporary Restraining Order <i>Preliminary Injunction and Permanent Injunction</i> filed by Jocelyn Benson, Jonathan Brater, Gretchen Whitmer. (Meingast, Heather) (Entered: 05/15/2020)
05/18/2020	56	REPLY to Response re 51 MOTION for Temporary Restraining Order <i>Preliminary Injunction and Permanent Injunction</i> filed by Shakira L Hawkins. (Sahu, Saura) (Entered: 05/18/2020)
05/18/2020	57	NOTICE of Appearance by Jean E. Kordenbrock on behalf of Lynn M. Maison. (Kordenbrock, Jean) (Entered: 05/18/2020)
05/18/2020	58	MOTION emergency motion to intervene <i>and brief in support</i> , MOTION to Intervene by Lynn M. Maison. (Kordenbrock, Jean) (Entered: 05/18/2020)
05/18/2020	59	EXHIBIT A <i>Verified Complaint</i> re 58 MOTION emergency motion to intervene <i>and brief in support</i> MOTION to Intervene by Lynn M. Maison (Kordenbrock, Jean) (Entered: 05/18/2020)
05/18/2020	60	NOTICE of Joinder/Concurrence in by Lynn M. Maison <i>RESPONSE TO MOTION FOR TRO - #51</i> (Kordenbrock, Jean) (Entered: 05/18/2020)
05/18/2020	61	MOTION Motion to File Sur-Reply re 51 MOTION for Temporary Restraining Order <i>Preliminary Injunction and Permanent Injunction</i> by Jocelyn Benson, Jonathan Brater, Gretchen Whitmer. (Meingast, Heather) (Entered: 05/18/2020)
05/18/2020	62	SUR-REPLY re 51 MOTION for Temporary Restraining Order <i>Preliminary Injunction and Permanent Injunction</i> filed by Jocelyn Benson, Jonathan Brater, Gretchen Whitmer. (Meingast, Heather) (Entered: 05/18/2020)

05/18/2020		Minute Entry for proceedings before District Judge Terrence G. Berg: Motion Hearing held on 5/18/2020 re 51 MOTION for Temporary Restraining Order <i>Preliminary Injunction and Permanent Injunction</i> filed by Shakira L Hawkins. Disposition: Motion taken under advisement (Court Reporter: Linda Cavanagh) (AChu) (Entered: 05/18/2020)
05/19/2020	63	Amicus Curiae BRIEF by Armand Velardo (Velardo, Armand) (Entered: 05/19/2020)
05/20/2020	64	ORDER GRANTING 51 Motion for Preliminary Injunction; GRANTING 58 Motion to Intervene; GRANTING 61 Motion to File Sur-Reply. Signed by District Judge Terrence G. Berg. (AChu) (Entered: 05/20/2020)
07/27/2020	65	EMERGENCY MOTION to Intervene by Brenda K. Sanders. (Attachments: # 1 Intervenor Complaint, # 2 Application to Proceed without Prepaying Fees or Costs) (ATee) (Entered: 07/27/2020)
07/30/2020	66	ORDER DENYING 65 Motion to Intervene. Signed by District Judge Terrence G. Berg. (AChu) (Entered: 07/30/2020)
07/30/2020		TEXT-ONLY CERTIFICATE OF SERVICE re 66 Order on Motion to Intervene on Brenda K. Sanders at PO Box 14183, Detroit, MI 48214. (AChu) (Entered: 07/30/2020)
08/13/2020	67	ORDER consolidating cases 20-10831 and 20-11067. Signed by District Judge Terrence G. Berg. (DPer) (Entered: 08/14/2020)
08/14/2020	68	Notice to Parties Regarding Consolidated Case: Order of consolidation entered on *08/13/20*. Designated lead case number is *20-10831*. (DPer) (Entered: 08/14/2020)
08/20/2020		TEXT-ONLY ORDER: On August 4, 2020, Michigan's primary election took place. As a result of this proceeding, Plaintiffs have obtained the injunctive relief each sought. Plaintiffs are hereby ORDERED TO SHOW CAUSE by Monday, August 24, 2020 why this case should not be dismissed as moot. (Response due by 8/24/2020) Issued by District Judge Terrence G. Berg. (AChu) (Entered: 08/20/2020)
08/21/2020	69	RESPONSE TO ORDER TO SHOW CAUSE by Matt Savich. (Attachments: # 1 Exhibit Ex 1 - Response to Motion to Dismiss) (Cafferty, Michael) (Entered: 08/21/2020)
08/24/2020	70	SUPPLEMENTAL BRIEF re Text-Only Order,, Set Deadlines/Hearings, filed by Shakira L Hawkins. (Sahu, Saura) (Entered: 08/24/2020)
09/02/2020	71	ORDER OF DISMISSAL. Signed by District Judge Terrence G. Berg. (AChu) (Entered: 09/02/2020)

