

**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

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

UNCONTROVERTED FACTS

I. PARTIES

A. Plaintiffs

1. Each of the Plaintiffs is an individual, Black voter who regularly participates in federal, State of Michigan, and local elections and plans to do so in the future.

2. Each of the Plaintiffs is over the age of 18, registered to vote, and regularly participates in Democratic Primary Elections and plans to do so in the future.

3. Plaintiff Donald Agee, Jr. resides in Senate District 1 (Linden Plan). His address is 474 Oliver Ct., Ecorse, MI 48229.

4. Plaintiff Jerome Bennett currently resides in Senate District 10 (Linden Plan). He moved during the pendency of this action and his current address is 8318 Maxell, Warren, MI 48089.

5. Plaintiff Dennis Leroy Black, Jr. currently resides in Senate District 3 (Linden Plan). He moved during the pendency of this action and currently resides at 9491 McDougall St., Hamtramck, MI 48212.

6. Plaintiff Jamee Burbridge resides in House District 14 (Hickory Plan) and Senate District 10 (Linden Plan). Her address is 7558 East Robinwood, Detroit, MI 48234.

7. Plaintiff Beverly Ann Burrell resides in House District 8 (Hickory Plan) and Senate District 1 (Linden Plan). Her address is 2434 Edison St., Detroit, MI 48206.

8. Plaintiff Jemell Cotton resides in House District 10 (Hickory Plan) and Senate District 3 (Linden Plan). His address is 1395 Antietam Ave., Unit 61, Detroit, MI 48207.

9. Plaintiff Teresa DuBose resides in Senate District 10 (Linden Plan). Plaintiff Teresa DuBose's address is 3700 Chatsworth St., Detroit, MI 48224.

10. Plaintiff Karen Ferguson resides in House District 7 (Hickory Plan) and Senate District 8 (Linden Plan). Her address is 20501 Livernois Ave., #21073, Detroit, MI 48221.

11. Plaintiff Kimberly Hill Knott resides in House District 7 (Hickory Plan) and Senate District 8 (Linden Plan). Her address is 19391 Warrington Dr., Detroit, MI 48221.

12. Plaintiff Michelle Keeble resides in House District 12 (Hickory Plan) and Senate District 11 (Linden Plan). Her address is 16015 East 7 Mile Road, Detroit, MI 48205.

13. Plaintiff Barbara Gail London resides in House District 12 (Hickory Plan) and Senate District 11 (Linden Plan). Her address is 16508 Bringard Dr., Detroit, MI 48205.

14. Plaintiff Glenda McDonald resides in House District 8 (Hickory Plan) and Senate District 3 (Linden Plan). Her address is 251 Connecticut St., Highland Park, MI 48203.

15. Plaintiff Janet Marie Overall resides in House District 1 (Hickory Plan) and Senate District 1 (Linden Plan). Her address is 1864 S. Deacon St., Detroit, MI 48217.

16. Plaintiff Shirley L. Radden resides in House District 10 (Hickory Plan). Her address is 639 Rivard Blvd., Grosse Pointe, MI 48230.

17. Plaintiff Davonte Sherard resides in Senate District 1 (Linden Plan). His address is 3844 12th St., Apt #102, Ecorse, MI 48229.

18. Plaintiff Michelle T. Smith resides in Senate District 6 (Linden Plan). Her address is 36554 W. Lyman Rd., Farmington Hills, MI 48331.

19. Plaintiff Kenyetta Snapp resides in House District 11 (Hickory Plan). Her address is 1405 Shore Club Drive, Saint Clair Shores, Michigan 48080.

20. Plaintiff Donyale Stephen-Atara resides in House District 14 (Hickory Plan) and Senate District 10 (Linden Plan). Her address is 30403 Berghway Trail, Warren, MI 48092.

21. Plaintiff Tanesha Wilson resides in House District 14 (Hickory Plan) and Senate District 10 (Linden Plan). Her address is 19354 Cliff St., Detroit, MI 48234.

B. Defendants

22. Defendant Michigan Independent Citizens Redistricting Commission (hereafter the “Commission”) is charged with adopting redistricting plans for the Michigan Senate and House Districts pursuant to Mich. Const. art. IV, § 6(1). The Commission consists of 13 commissioners. Four commissioners are associated with the Democratic Party and the Republican Party, respectively. Five commissioners are unaffiliated with either the Democratic or Republican parties. Mich. Const. art. IV, § 6(1).

23. Defendant Douglas Clark (“Defendant Clark”) is a commissioner on the Commission and is affiliated with the Republican Party. Defendant Clark is named in this action in his official capacity.

24. Defendant Juanita Curry (“Defendant Curry”) is a commissioner on the Commission and is affiliated with the Democratic Party. Defendant Curry is named in this action in her official capacity.

25. Defendant Anthony Eid (“Defendant Eid”) is a commissioner on the Commission and is unaffiliated with both the Democratic and Republican parties. Defendant Eid is named in this action in his official capacity.

26. Defendant Rhonda Lange (“Defendant Lange”) is a commissioner on the Commission and is affiliated with the Republican Party. Defendant Lange is named in this action in her official capacity.

27. Defendant Cynthia Orton (“Defendant Orton”) is a commissioner on the Commission and is affiliated with the Republican Party. Defendant Orton is named in this action in her official capacity.

28. Defendant Erin Wagner (“Defendant Wagner”) is a commissioner on the Commission and is affiliated with the Republican Party. Defendant Wagner is named in this action in her official capacity.

29. Defendant Brittini Kellom (“Defendant Kellom”) is a commissioner on the Commission and is affiliated with the Democratic Party. Defendant Kellom is named in this action in her official capacity.

30. Defendant M.C. Rothhorn (“Defendant Rothhorn”) is a commissioner on the Commission and is affiliated with the Democratic Party. Defendant Rothhorn is named in this action in his official capacity.

31. Defendant Dustin Witjes (“Defendant Witjes”) is a commissioner on the Commission and is affiliated with the Democratic Party. Defendant Witjes is named in this action in his official capacity.

32. Defendant Steven Lett (“Defendant Lett”) is a commissioner on the Commission and is unaffiliated with either the Democratic or Republican parties. Defendant Lett is named in this action in his official capacity.

33. Defendant Janice Vallette (“Defendant Vallette”) is a commissioner on the Commission and is unaffiliated with either the Democratic or Republican parties. Defendant Vallette is named in this action in her official capacity.

34. Defendant Richard Weiss (“Defendant Weiss”) is a commissioner on the Commission and is unaffiliated with either the Democratic or Republican parties. Defendant Weiss is named in this action in his official capacity.

35. Defendant Rebecca Szetela (“Defendant Szetela”) is a commissioner on the Commission and is unaffiliated with either the Democratic or Republican parties. Defendant Szetela is named in this action in her official capacity.

36. Defendant Jocelyn Benson (“Defendant Benson”) is the Michigan Secretary of State. As Secretary of State, among other responsibilities, Defendant Benson is charged with administering elections for the Michigan House of Representatives and Michigan Senate, and of accepting the declarations of candidacy for Michigan Senate and House candidates.

II. MICHIGAN’S RACIAL DEMOGRAPHICS

37. The United States 2020 Census found that 73.9% of Michigan residents identified their race as white alone, while 13.7% of Michigan residents identified as “Black alone.”

38. The 2020 Census reports that 37.6% of the State’s population that identifies as “Black or African American alone” resides in Wayne County, 12.4% resides in Macomb County, and 13.4% resides in Oakland County.

39. The City of Detroit has a population, reported on the 2020 Census, of 639,111 residents, 77.9% of which identify as “Black or African American alone.”

III. PAST REDISTRICTING

40. Prior to 2018, redistricting in Michigan was the responsibility of the state legislature.

41. Following the 1990 census, the Michigan legislature adopted redistricting plans which were challenged on several grounds. The Michigan Supreme Court appointed three special masters to consider several proposed redistricting plans. Finding none of the plans acceptable, the special masters created their own, which the Michigan Supreme Court approved with modification. *In re Apportionment of State Legislature*, 439 Mich. 715, 747, 486 N.W.2d 639 (1992).

42. Following the 2010 census, Michigan's Republican controlled Legislature passed Public Act 129 of 2011, which apportioned Michigan's 110 representative districts and 38 senatorial districts (the "2011 plan").

43. In the 2011 state house plan, 11 districts were majority-Black, including districts with Black voting-age populations (BVAPs) as high as 92% (HD7), 90% (HD8), 88% (HD3), and 72% (HD9). Ten of these majority-Black districts were in the Detroit-area.

44. The 2011 state senate plan provided for one or two senate districts with Black majorities, depending on the calculation of BVAP used, plus three or four more with BVAPs¹ above 45%.

¹ There are different means of calculating BVAP, depending on whether the total number of persons counted as "Black" includes those people who self-identify in the Census as Black alone or both Black and a member of another minority group.

45. The chart below shows percentage Black VAP and select election results from the 2018 general election, which speak for themselves:

State Senate District	Total VAP	Black VAP	Percent Black VAP	Name	party	race	Percent of vote 2018
5	203828	111418	54.66%	Betty Jean Alexander	D	Black	77.4
2	169357	86961	51.35%	Adam Hollier	D	Black	75.7
3	186758	90737	48.59%	Sylvia Santana	D	Black	81.8
4	180199	85691	47.55%	Marshall Bullock	D	White	78.3
1	193087	87075	45.10%	Stephanie Chang	D	Asian	72.0
11	229870	82336	35.82%	Jeremy Moss	D	White	76.7
27	175918	54071	30.74%	Jim Ananich	D	White	71.2
9	219325	50800	23.16%	Paul Wojno	D	White	65.9
6	217734	46997	21.58%	Erika Geiss	D	Black	61.4
12	211638	32206	15.22%	Rosemary Bayer	D	White	49.4
18	243159	36228	14.90%	Jeff Irwin	D	White	76.6
23	215527	30579	14.19%	Curtis Hertel Jr.	D	White	68.5
32	202924	28006	13.80%	Ken Horn	R	White	55.5
29	225476	30876	13.69%	Winnie Brinks	D	White	56.9
20	204328	24631	12.05%	Sean McCann	D	White	53.1
34	195673	19534	9.98%	Jon Bumstead	R	White	50.7
21	207567	20185	9.72%	Kim LaSata	R	White	58.1
10	232106	19162	8.26%	Michael Macdonald	R	White	51.0
7	225553	17825	7.90%	Dayna Polehanki	D	White	50.6
19	204186	15725	7.70%	John Bizon	R	White	58.6
15	226099	16436	7.27%	Jim Runestad	R	White	51.7
8	227952	15653	6.87%	Peter J. Lucido	R	White	61.8
26	212280	14313	6.74%	Aric Nesbitt	R	White	56.7
16	195953	12509	6.38%	Mike Shirkey	R	White	62.7
14	201692	11250	5.58%	Ruth Johnson	R	White	55.7
28	214199	10152	4.74%	Peter Macgregor	R	White	58.4
24	213683	8997	4.21%	Tom Barrett	R	White	53.5
13	229773	9353	4.07%	Mallory Mcmorrow	D	White	51.9
33	193451	7781	4.02%	Rick Outman	R	White	58.8
17	200526	6436	3.21%	Dale W. Zorn	R	White	57.9
30	226068	5258	2.33%	Roger Victory	R	White	63.3
25	206658	4409	2.13%	Dan Lauwers	R	White	64.0
37	209210	4076	1.95%	Wayne Schmidt	R	White	59.0
31	195335	3241	1.66%	Kevin Daley	R	White	60.2
38	202739	3086	1.52%	Ed McBroom	R	White	54.6
22	213082	2912	1.37%	Lana Theis	R	White	56.0
35	204742	2729	1.33%	Curt VanderWall	R	White	63.2
36	196947	1872	0.95%	Jim Stamas	R	White	64.3

46. The 2011 plan provided for eleven House districts with BVAPs above 50%.

47. The chart below shows percentage Black VAP and select election results from the 2020 general election:

State House District	Total VAP	Black VAP	Percent Black VAP	Name	Party	Race	Percent of Vote 2020
7	60347	57256	94.88%	Helena Scott	D	Black	93.0
8	62448	58042	92.94%	Stephanie A. Young	D	Black	96.7
3	54130	49536	91.51%	Shri Thanedar	D	Asian	93.3
9	62529	46806	74.85%	Karen Whitsett	D	Black	94.2
10	69209	46977	67.88%	Mary Cavanagh	D	Hispanic	84.8
1	59788	38993	65.22%	Tenisha R. Yancey	D	Black	75.8
35	78306	49325	62.99%	Kyra Harris Bolden	D	Black	82.9
34	49491	30419	61.46%	Cynthia R. Neeley	D	Black	86.7
2	57031	33142	58.11%	Joe Tate	D	Black	74.1
5	49290	27190	55.16%	Cynthia A. Johnson	D	Black	93.4
6	67505	36182	53.60%	Tyrone Carter	D	Black	100.0
4	68749	32761	47.65%	Abraham Aiyash	D	ME	89.8
29	72319	26621	36.81%	Brenda Carter	D	Black	72.9
95	58640	21320	36.36%	Amos O'Neal	D	Black	70.1
49	64844	19308	29.78%	John D. Cherry	D	White	68.9
54	72426	21212	29.29%	Ronnie Dean Peterson	D	Black	77.7
12	73883	20207	27.35%	Alex Garza	D	Hispanic	62.4
11	73586	19760	26.85%	Jewell Jones	D	Black	65.2
92	66135	16957	25.64%	Terry J. Sabo	D	White	65.3
27	73337	18051	24.61%	Regina Weiss	D	White	74.4
75	76956	18127	23.56%	David LaGrand	D	White	74.6
16	74617	17556	23.53%	Kevin Coleman	D	White	62.5
68	71672	16808	23.45%	Sarah Anthony	D	Black	75.9
18	75251	16519	21.95%	Kevin Hertel	D	White	60.3
60	74176	15887	21.42%	Julie M. Rogers	D	White	71.4
22	68758	14588	21.22%	Richard M. Steenland	D	White	59.9
28	70132	14012	19.98%	Lori M. Stone	D	White	60.3
79	65091	12312	18.92%	Pauline Wendzel	R	White	56.6
31	71180	13047	18.33%	William J. Sowerby	D	White	56.3
37	78055	14166	18.15%	Samantha Steckloff	D	White	63.9
62	69641	11301	16.23%	Jim Haadsma	D	White	51.3
21	77493	11721	15.13%	Ranjeev Puri	D	Asian	59.2
76	79357	11258	14.19%	Rachel Hood	D	White	62.8
72	79315	10619	13.39%	Steven Johnson	R	White	55.1
50	72856	8173	11.22%	Tim Sneller	D	White	54.2
24	73550	8072	10.97%	Steve Marino	R	White	57.5
55	79483	8123	10.22%	Felicia Brabec	D	White	72.4
64	65167	6497	9.97%	Julie Alexander	R	White	60.6

48. The 2011 redistricting map districts were effective until the Commission adopted the Hickory and Linden Plans on December 28, 2021.

IV. THE COMMISSION'S REDISTRICTING PROCESS

A. Mich. Const. art. IV, § 6

49. In 2018, Michigan voters approved a ballot proposal that amended the state Constitution by transferring authority to create the State's congressional and legislative districts from the Legislature to the Commission. Mich. Const. art. IV, § 6(1) and (7).

50. The amendment directs that Michigan's Secretary of State and "chief election officer," Jocelyn Benson, oversee, assist with, and enforce the Commission's maps. Mich. Const. art. IV, § 6(2) and (4); MCL 168.21; Order, ECF.29, PageID.386-89.

51. Article IV, Section 6(13) of the Michigan Constitution requires the Commission to consider the following criteria in order of priority:

- a) Districts shall be of equal population as mandated by the United States constitution, and shall comply with the voting rights act and other federal laws.
- b) Districts shall be geographically contiguous. Island areas are considered to be contiguous by land to the county of which they are a part.
- c) Districts shall reflect the state's diverse population and communities of interest. Communities of interest may include, but shall not be limited to, populations that share cultural or historical characteristics or economic interests. Communities of interest do not include relationships with political parties, incumbents, or political candidates.
- d) Districts shall not provide a disproportionate advantage to any political party. A disproportionate advantage to a political party shall be determined using accepted measures of partisan fairness.
- e) Districts shall not favor or disfavor an incumbent elected official or a candidate.
- f) Districts shall reflect consideration of county, city, and township boundaries.
- g) Districts shall be reasonably compact.

52. The amendment required the maps to be adopted by November 1, 2021. Mich. Const. art. IV, § 6(7). The delay in the U.S. Census Bureau's release of redistricting caused by the global COVID-19 pandemic prevented the Commission from achieving its constitutional duty to prepare and enact maps by the November 1, 2021, deadline set forth in Michigan Constitution art. IV, § 6(7).

53. The parties stipulate that the Commission's record of proceedings, including all Commission-produced transcripts, are true and accurate copies of the Commission's records of its official proceedings.

B. Initial Commission Meetings

54. Secretary Benson called the Commission's first meeting to order on September 17, 2020.

55. Because the Commission was a newly-created governmental body it needed to attend to a wide variety of administrative, budgetary, educational, human resource, contracting, scheduling, and public relations matters.

56. The Commission's initial orientation materials included discussion of the Voting Rights Act and Equal Protection Clause.

C. The Commission Hires Legal Counsel and Voting Rights Act Experts

57. On September 25, 2020, the Commissioners discussed hiring legal counsel and experts including an expert to guide the Commission on compliance with the Voting Rights Act and Equal Protection.

58. On January 7, 2021, the Commission hired Julianne Pastula to serve as the Commission's General Counsel.

59. On March 4, 2021, the Commission hired Election Data Services, Inc. to services as its vendor for “Line Drawing and Redistricting Technical Services.” Pursuant to the engagement Kim Brace would serve as the lead contract manager and Dr. Lisa Handley would advise the Commission on matters relating to voting rights.

60. On April 8, 2021, the Commission hired Bruce Adelson of Federal Compliance Consulting, LLC to serve as its Voting Rights Act Legal Counsel.

61. On May 6, 2021, the Commission approved a request for proposal to hire litigation counsel. The Commission ultimately engaged Baker Hostetler in August 2021.

62. The Commission conducted its first round of public hearings across the state between May and August of 2021. The Commission ultimately held nearly 140 public meetings as of the time it adopted redistricting plans in December 2021 and received nearly 30,000 comments.

D. The Commission Begins Drawing Maps

63. The United States Census Bureau released its legacy format 2020 census data on August 12, 2021, and the Commission began preparing draft House and Senate maps by region.

64. By July 29, 2021, the Commission determined that an ideal population for each of the 38 senate districts would be 265,193 residents.

65. By July 29, 2021, the Commission determined that an ideal population for each of the 110 house districts would be 91,612 residents.

66. On August 20, 2021, the Commission met to start mapping the Senate districts in the Southeast and South-central regions of Michigan.

67. On September 2, 2021, Dr. Handley gave a presentation to the Commission entitled “Determining if a Redistricting Plan Complies with the Voting Rights Act.”

E. The Commission Meets in Closed Session

68. On October 27, 2021, the Commission met in closed session to discuss legal memoranda provided by Commission’s Voting Rights Act counsel Bruce Adelson. The meeting was recorded and ultimately the Michigan Supreme Court ordered that audio recording and the memoranda to be placed in the public record.

F. The Commission Continues to Work on and Deliberate over the Draft Maps

69. The Commission continued to meet throughout the remainder of October, November, and December 2021 to work on and deliberate on the Draft maps.

70. The Commission published six proposed plans for the state senate districts and four proposed plans for the state house districts for a 45-day period of public notice-and-comment on November 12, 2021.

71. Various discussions that occurred on the record of the Commission throughout its process concerned plans that were not ultimately adopted by the Commission.

72. Among those plans were the Hickory plan for the state house districts and the Linden Plan for the state senate districts.

G. The Commission Votes on the Proposed Maps

73. Dr. Handley issued a final report to the Commission on December 28, 2021, which was amended on January 4, 2022.

74. That same day, the Commission held its meeting to vote on the final proposed maps. Additional public comments were received regarding whether the Detroit Area districts complied with the Voting Rights Act.

V. COMMISSION'S FINAL MAPS

A. Linden Plan

75. The Commission adopted the Linden Plan by majority vote of 9 to 4 on December 28, 2021. Five members affiliated with neither party, two members who identify as Democrats, and two members who identify as Republicans voted to adopt the Linden Plan.

76. As required, the Linden Plan consists of 38 Senate Districts. The following *eight* Senate Districts created by the Linden Plan are partially located within the City of Detroit: **1, 2, 3, 6, 7, 8, 10, and 11**. The remaining challenged districts are bolded.

77. The following chart reports population and racial demographics for Senate Districts in the Linden Plan:

DISTRICT	Total Population				Racial Demographics as Percent of Total Population					Voting Age Population		Racial Demographics as Percent of Voting Pop			
	All Persons	Target	Dev.	Difference	NH White	NH Black	NH Asian	Hispanic	Minority	VAP	% of Total	NH White	NH Black	NH Asian	Hispanic
1	270,366	265,193	1.93%	5,173	38.73%	34.78%	0.85%	19.30%	61.27%	201,593	74.6%	42.88%	35.03%	0.93%	16.83%
2	260,296	265,193	1.81%	-4,897	61.33%	24.66%	1.60%	8.81%	38.67%	188,578	72.4%	61.85%	24.47%	1.83%	7.88%
3	268,291	265,193	1.17%	3,098	39.96%	42.25%	10.11%	2.40%	60.04%	212,874	79.3%	41.95%	42.09%	9.46%	2.19%
4	259,877	265,193	2.00%	-5,316	74.98%	14.56%	2.25%	6.09%	25.02%	214,717	82.6%	74.71%	13.32%	2.14%	4.98%
5	260,723	265,193	1.81%	-4,470	62.23%	19.28%	9.16%	3.96%	37.77%	205,113	78.7%	65.09%	18.25%	8.86%	3.42%
6	269,435	265,193	1.60%	4,242	44.15%	39.61%	5.40%	2.93%	55.85%	205,711	76.3%	48.95%	39.15%	5.55%	2.60%
7	258,715	265,193	2.44%	-6,478	39.05%	45.54%	4.57%	7.55%	60.95%	208,010	80.4%	40.54%	44.78%	4.71%	6.20%
8	267,500	265,193	0.87%	2,307	47.83%	40.57%	1.66%	2.48%	52.17%	206,961	77.4%	52.04%	40.25%	1.85%	2.28%
9	260,091	265,193	1.92%	-5,102	71.32%	4.34%	17.23%	3.75%	28.68%	206,406	79.4%	73.16%	4.24%	16.23%	3.18%
10	260,891	265,193	1.62%	-4,302	47.66%	44.73%	4.16%	2.22%	52.34%	207,211	79.4%	50.14%	40.43%	3.95%	1.90%
11	267,881	265,193	1.01%	2,688	66.85%	20.46%	2.30%	2.76%	33.15%	204,523	76.3%	72.05%	19.19%	2.35%	2.38%
12	270,210	265,193	1.89%	5,017	75.00%	12.13%	1.16%	2.78%	25.00%	207,870	76.9%	81.01%	11.52%	1.29%	2.34%
13	258,822	265,193	2.40%	-6,371	73.56%	8.54%	13.82%	3.34%	26.44%	213,186	82.4%	73.47%	8.19%	12.43%	2.77%
14	262,085	265,193	1.17%	-3,108	82.27%	6.31%	5.30%	4.33%	17.73%	218,191	83.3%	80.82%	5.96%	5.36%	3.37%
15	260,766	265,193	1.67%	-4,427	68.07%	14.59%	8.11%	6.21%	31.93%	221,289	84.9%	68.01%	13.28%	8.09%	5.32%
16	262,182	265,193	1.62%	-3,011	89.48%	2.47%	0.56%	5.66%	10.52%	213,755	81.5%	88.39%	2.36%	0.57%	4.46%
17	266,557	265,193	0.51%	1,364	84.35%	4.39%	0.97%	6.06%	15.65%	209,069	78.4%	85.38%	4.32%	1.02%	4.72%
18	268,135	265,193	1.11%	2,942	81.41%	4.92%	1.70%	4.49%	16.59%	205,401	76.6%	85.77%	4.66%	1.56%	3.62%
19	262,619	265,193	0.97%	-2,574	76.77%	11.36%	2.70%	5.88%	23.23%	211,508	80.5%	77.49%	10.03%	2.71%	4.80%
20	262,284	265,193	1.10%	-2,909	75.11%	9.05%	2.03%	8.53%	24.89%	200,292	76.4%	78.64%	8.34%	1.95%	6.73%
21	271,390	265,193	2.34%	6,197	68.10%	11.61%	2.75%	8.46%	31.90%	205,416	75.7%	73.70%	11.23%	2.77%	7.38%
22	264,573	265,193	0.23%	-620	89.50%	0.65%	0.78%	2.86%	10.50%	204,483	77.3%	92.17%	0.65%	0.83%	2.37%
23	263,780	265,193	0.53%	-1,413	85.17%	3.66%	2.70%	5.03%	14.83%	211,880	80.3%	85.63%	3.52%	2.62%	4.05%
24	271,211	265,193	2.27%	6,018	81.91%	1.69%	2.41%	3.77%	16.09%	203,066	74.9%	89.06%	1.70%	2.44%	3.24%
25	264,345	265,193	0.32%	-848	89.17%	2.24%	0.45%	3.64%	10.83%	209,073	79.1%	90.82%	2.19%	0.46%	2.94%
26	266,938	265,193	0.66%	1,745	84.87%	3.15%	0.42%	4.46%	15.13%	206,886	77.5%	88.51%	3.13%	0.44%	3.71%
27	269,043	265,193	1.45%	3,850	57.85%	27.73%	1.22%	4.07%	42.15%	200,250	74.4%	63.00%	27.27%	1.32%	3.66%
28	265,180	265,193	0.00%	-13	78.73%	4.65%	5.09%	5.07%	21.27%	210,771	79.5%	81.43%	4.84%	5.29%	4.38%
29	263,566	265,193	0.61%	-1,627	55.33%	16.51%	4.61%	18.56%	44.67%	200,247	76.0%	60.57%	15.37%	4.63%	15.50%
30	264,560	265,193	0.24%	-633	81.65%	5.68%	2.38%	7.62%	18.35%	212,420	80.3%	82.52%	5.06%	2.30%	6.18%
31	267,918	265,193	1.02%	2,725	79.46%	1.56%	2.85%	10.84%	20.54%	200,843	75.0%	83.32%	1.41%	2.92%	9.22%
32	270,401	265,193	1.96%	5,208	75.58%	9.07%	0.52%	6.01%	24.42%	205,945	76.2%	80.98%	8.80%	0.55%	4.92%
33	267,378	265,193	0.82%	2,185	87.59%	2.51%	0.43%	5.12%	12.41%	207,138	77.5%	88.65%	2.99%	0.43%	4.33%
34	261,805	265,193	1.28%	-3,388	90.54%	2.22%	0.72%	3.76%	9.46%	213,991	81.7%	89.33%	2.34%	0.72%	3.01%
35	268,708	265,193	1.33%	3,515	74.07%	12.21%	1.54%	7.75%	25.93%	211,487	78.7%	76.93%	11.30%	1.55%	6.32%
36	270,486	265,193	2.00%	5,293	92.65%	0.35%	0.36%	2.03%	7.35%	220,506	81.4%	93.79%	0.30%	0.37%	1.55%
37	261,707	265,193	1.11%	-3,486	87.54%	0.73%	0.59%	2.45%	12.46%	213,146	81.4%	89.30%	0.75%	0.57%	1.95%
38	266,616	265,193	0.54%	1,423	88.14%	1.65%	0.69%	1.74%	11.86%	217,404	81.5%	89.52%	1.90%	0.72%	1.43%

Assigned 10077331
Total Pop 10077331
Inassignes 0

- 78. Challenged SD1 has a BVAP of 35.03%.
- 79. Challenged SD3 has a BVAP of 42.09%.
- 80. Challenged SD6 has a BVAP of 39.15%.
- 81. Challenged SD8 has a BVAP of 40.25%.
- 82. Challenged SD10 has BVAP of 40.43%.
- 83. Challenged SD11 has a BVAP of 19.19%.

B. Hickory Plan

84. The Commission adopted the Hickory Plan by majority vote of 11 to 2 on December 28, 2021. Five members affiliated with neither party, four members who identify as Democrats, and two members who identify as Republicans voted to adopt the Hickory Plan.

85. As required, the Hickory Plan consists of 110 House Districts. The following fifteen House Districts created by the Hickory Plan are partially located within the City of Detroit: **1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17**. The remaining challenged districts are bolded.

86. The following chart reports population and racial demographics for House Districts in the Hickory Plan:

DISTRICT	Total Population				Racial Demographics as Percent of Total Population					Voting Age Population		Racial Demographics as Percent of Voting Pop			
	All Persons	Target	Dev.	Difference	NH White	NH Black	NH Asian	Hispanic	Minority	VAP	% of Total	NH White	NH Black	NH Asian	Hispanic
1	91,856	91,612	0.27%	244	16.79%	35.26%	0.33%	43.92%	83.21%	65,520	71.3%	18.67%	38.03%	0.38%	39.49%
2	89,622	91,612	2.17%	-1,990	63.27%	11.54%	1.13%	18.58%	36.73%	69,719	77.8%	67.61%	11.04%	1.21%	15.61%
3	93,531	91,612	2.09%	1,919	51.18%	33.31%	2.34%	8.21%	48.82%	66,030	70.6%	52.34%	32.82%	2.77%	7.64%
4	90,903	91,612	0.77%	-709	41.08%	52.65%	0.47%	1.72%	58.92%	64,833	71.3%	38.61%	55.60%	0.50%	1.61%
5	92,744	91,612	1.24%	1,132	36.68%	55.87%	1.53%	1.96%	63.32%	71,629	77.2%	38.11%	55.31%	1.55%	1.70%
6	93,629	91,612	2.20%	2,017	36.10%	56.66%	1.15%	2.03%	63.90%	73,324	78.3%	38.54%	54.93%	1.31%	1.79%
7	92,948	91,612	1.46%	1,336	44.28%	46.93%	1.51%	2.80%	55.72%	75,856	81.6%	47.68%	44.29%	1.71%	2.52%
8	92,670	91,612	1.15%	1,058	41.68%	45.73%	4.16%	2.96%	58.32%	76,299	82.3%	44.50%	43.70%	4.57%	2.61%
9	90,818	91,612	0.87%	-794	28.46%	50.05%	15.19%	1.57%	71.54%	66,200	72.9%	28.03%	51.65%	14.68%	1.48%
10	90,534	91,612	1.18%	-1,078	53.11%	38.14%	2.08%	2.77%	46.89%	74,475	82.3%	53.31%	38.79%	2.32%	2.35%
11	91,145	91,612	0.51%	-467	46.16%	46.82%	0.80%	2.19%	53.84%	70,700	77.6%	51.18%	42.82%	0.93%	1.82%
12	90,630	91,612	1.07%	-982	45.97%	44.46%	1.33%	2.45%	54.03%	68,955	76.1%	51.03%	40.99%	1.28%	2.08%
13	90,393	91,612	1.33%	-1,219	47.56%	41.39%	4.11%	2.17%	52.44%	69,812	77.2%	52.03%	38.36%	3.91%	1.89%
14	90,555	91,612	1.15%	-1,057	38.99%	43.39%	10.11%	2.45%	61.01%	69,140	76.4%	43.17%	41.11%	9.31%	2.14%
15	92,301	91,612	0.75%	689	80.88%	7.49%	1.72%	5.23%	19.12%	69,652	75.5%	82.15%	7.18%	1.87%	4.70%
16	93,035	91,612	1.55%	1,423	34.88%	56.88%	0.94%	2.87%	65.12%	72,066	77.5%	38.03%	54.92%	1.02%	2.44%
17	90,737	91,612	0.96%	-875	45.56%	44.57%	1.80%	3.10%	54.44%	71,354	78.6%	48.90%	42.43%	1.94%	2.64%
18	92,169	91,612	0.61%	557	36.50%	52.03%	4.21%	2.71%	63.50%	75,714	82.1%	37.44%	52.16%	4.12%	2.40%
19	90,931	91,612	0.74%	-681	60.65%	24.62%	7.86%	2.80%	39.37%	72,930	80.2%	61.29%	25.11%	8.00%	2.34%
20	93,017	91,612	1.53%	1,405	75.60%	10.28%	7.26%	2.68%	24.40%	74,684	80.3%	76.81%	10.20%	7.42%	2.25%
21	93,876	91,612	2.47%	2,264	57.07%	7.60%	27.76%	3.48%	42.93%	71,599	76.3%	59.96%	7.89%	26.00%	3.07%
22	91,654	91,612	0.05%	42	85.05%	2.23%	5.67%	3.19%	14.95%	75,487	82.4%	86.64%	2.24%	5.32%	2.74%
23	90,719	91,612	0.97%	-893	70.61%	4.68%	14.87%	4.41%	29.39%	76,266	84.1%	71.65%	4.78%	14.75%	4.14%
24	91,480	91,612	0.14%	-132	61.18%	10.03%	20.19%	3.69%	38.82%	69,996	76.5%	63.53%	9.84%	19.60%	3.29%
25	90,562	91,612	1.15%	-1,050	64.13%	20.53%	4.87%	4.47%	35.87%	73,216	80.8%	66.72%	19.62%	4.96%	3.82%
26	91,723	91,612	0.12%	111	50.52%	37.86%	1.05%	4.20%	49.48%	70,678	77.1%	54.11%	35.82%	1.14%	3.61%
27	90,457	91,612	1.26%	-1,155	84.33%	3.05%	1.18%	6.36%	15.67%	73,737	81.5%	86.29%	2.93%	1.21%	5.34%
28	91,598	91,612	0.02%	-14	74.98%	9.75%	3.36%	6.24%	25.02%	71,385	77.9%	77.44%	9.14%	3.23%	5.36%
29	92,583	91,612	1.06%	971	72.48%	13.37%	1.38%	6.68%	27.52%	72,381	78.2%	76.03%	11.83%	1.40%	5.62%
30	93,460	91,612	2.02%	1,848	87.42%	2.57%	0.64%	4.06%	12.58%	73,606	78.8%	89.60%	2.30%	0.67%	3.21%
31	92,978	91,612	1.49%	1,366	72.74%	16.00%	1.27%	4.03%	27.26%	73,558	79.1%	74.55%	15.72%	1.28%	3.54%
32	92,092	91,612	0.52%	480	53.20%	28.29%	3.69%	7.17%	46.80%	73,449	79.8%	57.13%	26.46%	3.89%	6.21%
33	92,730	91,612	1.22%	1,118	68.50%	7.94%	11.52%	5.90%	31.50%	74,822	80.7%	70.65%	7.76%	11.65%	5.23%
34	92,371	91,612	0.82%	759	83.11%	2.61%	0.48%	8.88%	16.89%	73,142	79.2%	85.26%	2.88%	0.49%	7.27%
35	93,023	91,612	1.54%	1,411	89.55%	1.44%	0.48%	4.20%	10.45%	71,335	76.7%	90.73%	1.66%	0.49%	3.29%
36	89,634	91,612	2.16%	-1,978	84.12%	2.73%	0.69%	7.00%	15.88%	68,621	76.6%	86.65%	2.74%	0.72%	5.44%
37	91,456	91,612	0.17%	-156	78.38%	6.26%	1.89%	6.54%	21.62%	71,787	78.5%	81.10%	6.19%	2.00%	5.18%
38	93,422	91,612	1.98%	1,810	67.57%	19.03%	1.75%	6.63%	32.43%	73,770	79.0%	72.12%	16.97%	1.68%	5.18%
39	90,270	91,612	1.46%	-1,342	81.17%	1.69%	0.44%	10.74%	18.83%	69,482	77.0%	84.59%	1.69%	0.45%	8.20%
40	90,211	91,612	1.53%	-1,401	77.97%	7.16%	4.56%	4.57%	22.02%	69,763	77.3%	80.75%	6.74%	4.45%	3.86%
41	91,872	91,612	0.28%	260	59.50%	21.99%	2.17%	8.66%	40.50%	72,876	79.3%	64.54%	19.61%	2.54%	7.40%
42	91,192	91,612	0.46%	-420	86.29%	3.44%	1.09%	3.41%	13.71%	70,454	77.3%	88.31%	3.13%	1.11%	2.69%
43	92,518	91,612	0.99%	906	88.43%	0.80%	0.52%	5.52%	11.57%	70,016	75.7%	90.34%	0.65%	0.51%	4.58%

87. Challenged HD1 has a BVAP of 38.03%.
88. Challenged HD7 has a BVAP of 44.29%.
89. Challenged HD8 has a BVAP of 43.70%.
90. Challenged HD10 has a BVAP of 38.79%.
91. Challenged HD11 has a BVAP of 42.82% .
92. Challenged HD12 has a BVAP of 40.99% .
93. Challenged HD14 has a BVAP of 41.11%.

VI. Final Report and Dissents

94. In August 2022, the Commission issued a Report on 2021 Redistricting. Commissioner Rebecca Szetela, who chaired the Commission when the District maps were adopted, issued a dissent, as did Commissioners Lange and Wagner.

Respectfully Submitted,

/s/ John J. Bursch

John J. Bursch (P57679)
BURSCH LAW PLLC
9339 Cherry Valley Ave SE, #78
Caledonia, Michigan 49316
(616) 450-4235
jbursch@burschlaw.com
Attorney for Plaintiffs

/s/ Michael J. Pattwell (w/permission)

Michael J. Pattwell (P72419)
James J. Fleming (P84490)
Amia A. Banks (P84182)
CLARK HILL PLC
215 South Washington Square, Ste. 200
Lansing, MI 48933
(517) 318-3100
mpattwell@clarkhill.com
jfleming@clarkhill.com
abanks@clarkhill.com
Attorneys for Plaintiffs

/s/ Heather S. Meingast (w/permission)

Heather S. Meingast (P55439)
Erik A. Grill (P64713)
Assistant Attorneys General
P.O. Box 30736
Lansing, Michigan 48909
(517) 335-7659
meingasth@michigan.gov
grille@michigan.gov

Attorneys for Defendant Benson

/s/ Nathan J. Fink (w/permission)

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

/s/ Patrick T. Lewis (w/permission)

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

BAKER & HOSTETLER LLP
Erika Dackin Prouty
200 Civic Center Drive, Suite 1200
Columbus, Ohio 43215
(614) 228-1541
eprouty@bakerlaw.com

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

*Counsel for Defendants, Michigan
Independent Citizens Redistricting
Commission, and Douglas Clark,
Juanita Curry, Anthony Eid, Rhonda
Lange, Steven Terry Litt, Brittini 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 Michigan
Independent Citizens Redistricting
Commission*

Dated: September 29, 2023