

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTHONY DAUNT, et al.,

Plaintiffs,

Case No. 1:19-cv-614 (Lead)

v.

JOCELYN BENSON, et al.,

Defendants.

MICHIGAN REPUBLICAN PARTY, et al.,

Plaintiffs,

Case No. 1:19-cv-669
(Member)

v.

HON. JANET T. NEFF

JOCELYN BENSON, et al.,

Defendants.

ORDER

These related actions involve constitutional claims brought under 42 U.S.C. § 1983 against Michigan Secretary of State Jocelyn Benson regarding the creation and administration of Michigan’s Independent Citizens Redistricting Commission for State Legislative and Congressional Districts (“the Commission”). Plaintiffs in Case No. 1:19-cv-614, filed July 30, 2019, are fifteen individuals who are allegedly excluded from serving on the Commission. Plaintiffs in Case No. 1:19-cv-669, filed August 22, 2019, are the Michigan Republican Party (MRP) and MRP’s current chair, members and/or affiliates, some of whom are also allegedly excluded from serving on the Commission. This Court permitted “Count MI Vote” d/b/a “Voters

Not Politicians” (hereinafter VNP) to intervene as a Defendant in both actions. Plaintiffs in both actions filed with their complaints a motion for a preliminary injunction, motions that remain pending. Defendants in the first-filed case are briefing motions to dismiss under FED. R. CIV. P. 12 and seek to file similar motions to dismiss the second case. Defendant Benson has filed a Motion to Consolidate these cases (ECF No. 27), a motion that is not opposed (ECF No. 29). For the reasons more fully stated by Defendant Benson in her supporting brief (ECF No. 28), the Court agrees that consolidation is appropriately granted under FED. R. CIV. P. 42(a)(2). Further, having reviewed the pleadings and Pre-Motion Conference papers, and being otherwise familiar with the case circumstances, including the time sensitive nature of the issues, the Court determines that a briefing schedule like the one entered in the first-filed case is justified. Accordingly:

IT IS HEREBY ORDERED that Defendant Benson’s unopposed Motion to Consolidate (ECF No. 27) is GRANTED, and these cases are CONSOLIDATED for all purposes. All future filings shall reflect both captions and shall be filed in the Lead Case, No. 1:19-cv-614.

IT IS FURTHER ORDERED, consistent with the deadlines for dispositive motions, *see* W.D. Mich. LCivR 7.2(c), that responses to the motion for preliminary injunction (Member Case, ECF No. 2) shall be due not later than September 19, 2019, and any replies shall be filed within 14 days of each respective response.

IT IS FURTHER ORDERED that Defendants shall proceed with briefing their proposed motions to dismiss the Complaint in the Member Case limited to the issues presented in their Pre-Motion Conference papers (ECF Nos. 17 & 20) and in accordance with the following schedule:

- (1) Defendants’ Motions and Briefs shall be electronically filed not later than September 19, 2019;
- (2) Plaintiffs’ Responses shall be electronically filed within 14 days of each respective Motion; and

- (3) Defendants' Replies shall be electronically filed within 7 days of each respective Response.

IT IS FURTHER ORDERED that the parties shall adhere to this Court's Local Civil Rule 10.9 when referencing a page of the record.

IT IS FURTHER ORDERED that the parties shall, to the extent applicable, reference the exhibits already filed in support of the motions for preliminary injunction and shall otherwise, to the extent possible, collaborate on a single Joint Exhibit Book for the Court's reference.

IT IS FURTHER ORDERED that each movant shall provide chambers with one three-ring binder containing paper courtesy copies of the respective dispositive motion papers, including responses, replies and all accompanying exhibits, after electronic filing (with the header) and properly tabbed. The movants shall submit the binders directly to Judge Neff's chambers.

Dated: September 11, 2019

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge