

STATE OF MICHIGAN
IN THE COURT OF APPEALS

IN RE JERARD M. JARZYNSKA,
Prosecuting Attorney of Jackson
County; CHRISTOPHER R. BECKER,
Prosecuting Attorney of Kent County;
RIGHT TO LIFE OF MICHIGAN; and
THE MICHIGAN CATHOLIC
CONFERENCE,

Plaintiffs.

Case No. 361470

**RENEWED MOTION FOR
IMMEDIATE CONSIDERATION
OF COMPLAINT FOR
SUPERINTENDING CONTROL**

*Planned Parenthood of Michigan
v Attorney General, Court of
Claims Case No. 22-000044-MM*

John J. Bursch (P57679)
ALLIANCE DEFENDING FREEDOM
440 First Street NW, Suite 600
Washington, DC 20001
(616) 450-4235
jbursch@ADFLegal.org

Michael F. Smith (P49472)
THE SMITH APPELLATE LAW FIRM
1717 Pennsylvania Avenue, NW
Suite 1025
Washington, DC 20006
(202) 454-2860
smith@smithpllc.com

Rachael M. Roseman (P78917)
Jonathan B. Koch (P80408)
SMITH HAUGHEY RICE & ROEGGE
100 Monroe Center NW
Grand Rapids, MI 49503
(616) 458-3620
rroseman@shrr.com
jkoch@shrr.com

*Counsel for Plaintiffs Right to Life of Michigan
and Michigan Catholic Conference*

David A. Kallman (P34200)
Stephen P. Kallman (P75622)
Jack C. Jordan (P46551)
William R. Wagner (P79021)
GREAT LAKES JUSTICE CENTER
5600 W. Mount Hope Hwy.
Lansing, MI 48917
(517) 993-9123
dave@greatlakesjc.org

*Counsel for Plaintiffs Jarzynka
and Becker*

Deborah LaBelle (P31595)
221 N. Main St., Ste. 300
Ann Arbor, MI 48104
(734) 996-5620
deblabelle@aol.com

Mark Brewer (P35661)
1700 W. 10 Mile Rd.
Southfield, MI 48075
(248) 483-5000
mbrewer@goodmanacker.com

Hannah Swanson
Planned Parenthood Federation of America
1110 Vermont Ave. NW, Ste. 300
Washington, DC 20005
(202) 803-4030
Hannah.swanson@ppfa.org

*Counsel for Planned Parenthood of Michigan
and Dr. Sarah Wallett*

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Jerard M. Jarzynka, the Prosecuting Attorney for Jackson County, Christopher R. Becker, the Prosecuting Attorney for Kent County, Right to Life of Michigan, and the Michigan Catholic Conference (“Plaintiffs”), through counsel and pursuant to MCR 7.211(C)(6) and MCR 7.206, file this renewed motion asking the Court to immediately grant the peremptory relief of superintending control as requested in their Complaint on or before **June 28, 2022**. In support, Complainants state:

1. As described more fully in the Complaint for Superintending Control, and the Reply Brief filed contemporaneously with this Motion, the Court of Claims in its May 17, 2022 Opinion and Order in *Planned Parenthood of Mich v Attorney General*, Court of Claims No. 22-000044-MM, exceeded its jurisdiction, acted in a manner inconsistent with its jurisdiction, and failed to proceed according to law. This Court should exercise superintending control, vacate the Court of Claims preliminary injunction, and dismiss the underlying Court of Claims action.

2. In response to Plaintiffs’ initial motion for expedited consideration—which requested a ruling on or before May 27, 2022—the Court promptly acted and issued an expedited briefing schedule directing that (1) Defendant file an Answer to the complaint by June 13, 2022, (2) interested amici file briefs by the same date, and (3) Plaintiffs file their reply by July 5, 2022, with any other responses to amici due the same date.

3. Defendant elected not to file an Answer. Instead, Planned Parenthood (plaintiff in the underlying case) filed what it characterized as an “Answer” on June 9, 2022. The Michigan Legislature and Save the 1 both filed amici briefs on June 13, 2022.

4. The Court of Claims’s unauthorized preliminary-injunction order was set to become unappealable on June 6, 2022. Accordingly, the Michigan Senate and House were forced to file a motion to intervene and a motion for reconsideration in the Court of Claims on that date. As explained in the Legislature’s amicus brief filed in this Court on June 13, 2022, the Legislature did so only to prevent a validly enacted Michigan law from becoming enjoined in an order that could not be appealed, not because the Court of Claims had jurisdiction to enter the order in the first instance. The Legislature has no interest in litigating a case that is not justiciable and has *joined Plaintiffs’ request here that this Court exercise super-intending control and immediately dismiss the Court of Claims action.*

5. The Court of Claims granted the Legislature intervention but promptly denied the motion for reconsideration without additional analysis on June 15, 2022.

6. As a result, the Legislature is required to file an application for leave to appeal that interlocutory order with this Court no later than July 6, 2022, immediately following the 4th of July holiday weekend.

7. This Court should not allow the Court of Claims to force the Legislature to appeal an order that was improperly entered in a proceeding that lacked adversity, plaintiffs with standing, or a true, ripe controversy of any kind.

8. There are no arguments in the two *amici* briefs filed in this proceeding that Planned Parenthood has not already anticipated and addressed in the “Answer” that it filed on June 9, 2022. Planned Parenthood’s June 9, 2022 submission even discusses the Legislature’s motion to intervene in the Court of Claims proceeding. Answer, p 9.

9. Recognizing the urgency of this situation, Plaintiffs are filing their Reply today, two full weeks before the Court’s July 5, 2022 deadline.

10. Issuing a decision by June 28, 2022, that vacates the preliminary injunction and dismisses the Court of Claims case will prevent the needless expenditure of public resources on the Legislature’s appeal from a proceeding that was void *ab initio*.

11. Plaintiffs are filing and serving this motion through the MiFILE e-service system, and thus they request a ruling in seven days. See IOP 7.211(C)(6)-1.

WHEREFORE, Plaintiffs ask this Court to grant this Renewed Motion for Immediate Consideration and peremptorily grant the relief they request in their Complaint on or before **June 28, 2022**.

Respectfully submitted,

GREAT LAKES JUSTICE CENTER

By /s/ David A. Kallman

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/s/ Stephen P. Kallman

Stephen P. Kallman (P75622)

/s/ Jack C. Jordan

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/s/ William R. Wagner

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*Attorneys for Plaintiffs Prosecutors
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440 First Street NW, Suite 600

Washington, DC 20001

(616) 450-4235

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/s/ Michael F. Smith

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