

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

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CHERYL A. COSTANTINO and EDWARD P.  
McCALL, JR.,

Plaintiffs,

-vs-

CITY OF DETROIT; DETROIT ELECTION  
COMMISSION; Janice M. Winfrey, in  
her official capacity as the CLERK OF THE  
CITY OF DETROIT and the Chairperson of  
the DETROIT ELECTION COMMISSION;  
Cathy M. Garrett, in her official  
capacity as the CLERK OF WAYNE  
COUNTY; and the WAYNE COUNTY  
BOARD OF CANVASSERS,

Defendants.

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REPLY BRIEF IN  
SUPPORT OF MOTION FOR  
TEMPORARY RESTRAINING  
ORDER AND PRELIMINARY  
INJUNCTION

FILE NO: 20-014780-AW

HON. TIMOTHY M. KENNY

GREAT LAKES JUSTICE CENTER

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David A. Kallman (P34200)  
Erin E. Mersino (P70886)  
Jack C. Jordan (P46551)  
Stephen P. Kallman (P75622)  
Great Lakes Justice Center  
Attorneys for Plaintiff  
5600 W. Mount Hope Hwy.  
Lansing, MI 48917  
(517) 322-3207/Fax: (517) 322-3208

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REPLY BRIEF IN SUPPORT OF MOTION FOR TEMPORARY RESTRAINING  
ORDER AND PRELIMINARY INJUNCTION

Plaintiffs just received an Affidavit from Senator Ruth Johnson (Exhibit I). Ms. Johnson was Michigan's Secretary of State from January 1, 2011 to January 1, 2019.

Ms. Johnson's sworn statement provides further evidence that court intervention is necessary in this case and an independent audit should be conducted. Plaintiffs request that their Motion for TRO and Preliminary Injunction be granted.

Respectfully submitted,

Dated: November 11, 2020

/s/ David A. Kallman

David A. Kallman (P34200)

Attorney for Plaintiffs

# **EXHIBIT I**

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

CHERYL A. COSTANTINO and EDWARD P.  
McCALL, JR.,

Plaintiffs,

AFFIDAVIT OF SENATOR  
RUTH JOHNSON

-vs-

CITY OF DETROIT; DETROIT ELECTION  
COMMISSION; JANICE M. WINFREY, in  
her official capacity as the CLERK OF THE  
CITY OF DETROIT and the Chairperson of  
the DETROIT ELECTION COMMISSION;  
CATHY M. GARRETT, in her official  
capacity as the CLERK OF WAYNE  
COUNTY; and the WAYNE COUNTY  
BOARD OF CANVASSERS,

FILE NO: 20-014780-AW

HON. TIMOTHY M. KENNY

Defendants.

David A. Kallman (P34200)  
Erin E. Mersino (P70886)  
Jack C. Jordan (P46551)  
Stephen P. Kallman (P75622)

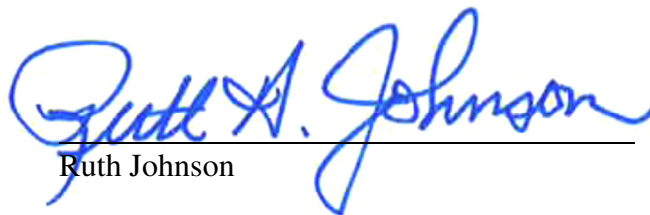
GREAT LAKES JUSTICE CENTER  
Attorneys for Plaintiff  
5600 W. Mount Hope Hwy.  
Lansing, MI 48917  
(517) 322-3207/Fax: (517) 322-3208

AFFIDAVIT

The Affiant, Ruth Johnson, being first duly sworn, hereby deposes and states as follows:

1. My name is Ruth Johnson. I am an adult citizen and resident of the State of Michigan.
2. I am currently a Michigan State Senator for the 14<sup>th</sup> District.

3. I served as Michigan's Secretary of State from January 1, 2011 to January 1, 2019. As a prior Secretary of State, I am familiar with Michigan's elections laws, process, and execution.
4. I have reviewed Plaintiffs' Complaint and all attached affidavits (including the supplemental affidavit by Mellissa Carone) and I have reviewed the affidavit of Christopher Thomas.
5. The allegations and issues raised by Plaintiffs are very concerning to me and, in my opinion, require court intervention. In particular, I am concerned about the illegal activity alleged by Plaintiffs regarding voter coaching at polling places, election staff being instructed not to request photo identification or an affidavit from persons coming to vote, and Mr. Larsen's allegation that ballots were being assigned to random persons on the voter list.
6. Based upon my review of these documents, I believe that it would be proper for an independent audit to be conducted as soon as possible to ensure the accuracy and integrity of this election.
7. The above information is true to the best of my information, knowledge, and belief.
8. Further affiant says not.

  
Ruth Johnson

On this 11<sup>th</sup> day of November, 2020, before me personally appeared Ruth Johnson, who in my presence did execute the foregoing affidavit, and who, being duly sworn, deposes and states that he has read the foregoing affidavit by him subscribed and knows the contents thereof, and that the same is true of his own knowledge and belief, except as to those matters he states to be on information and belief, and as to those matters he believes them to be true.

Michigan

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County,

My Commission Expires: \_\_\_\_\_