IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF MICHIGAN

DUANE MALETSKI, SHARON LOPEZ, FRANCES M. ZICK, and all others similarly situated, OBAMA FOR AMERICA, and DEMOCRATIC NATIONAL COMMITTEE,

Plaintiffs,

vs.

MACOMB COUNTY REPUBLICAN PARTY, MICHIGAN REPUBLICAN PARTY, REPUBLICAN NATIONAL COMMITTEE, and JOHN DOES #1-100,

Defendants.

/

Case No. 2:08-cv-13982-DML-MKM

Honorable David M. Lawson
District Judge

Honorable Mona K. Majzoub
Magistrate Judge

DEFENDANT MACOMB COUNTY REPUBLICAN PARTY'S UNOPPOSED MOTION FOR EXPEDITED CONSIDERATION OF MOTION TO DISMISS

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DEFENDANT MACOMB COUNTY REPUBLICAN PARTY'S UNOPPOSED MOTION FOR EXPEDITED CONSIDERATION OF MOTION TO DISMISS

Defendant Macomb County Republican Party (the "Macomb County"), by and through its attorneys, Honigman Miller Schwartz and Cohn LLP, moves pursuant to Local Rule 7.1 for expedited consideration of its Motion To Dismiss, filed concurrently herewith. In support of this Motion, Macomb County states as follows:

1. This case was brought by Democratic Presidential Candidate Barack Obama's Campaign Committee, the Democratic National Committee (the "DNC"), and three registered voters, purportedly to enjoin Macomb County and other named Defendants from challenging voters at the November 4, 2008 General Election based upon a list of foreclosed homes.

2. As explained in Macomb County's Motion to Dismiss, Plaintiffs have failed to state a claim against Macomb County under 42 U.S.C. § 1983 or under 42

U.S.C. § 1985; Plaintiffs' claims are moot and not ripe for review; Plaintiffs lack standing to bring their complaint; and this Court does not have subject matter jurisdiction over Plaintiffs' claims.

3. Macomb County's first responsive pleading is not due until October 9, yet Plaintiffs already have filed a Motion For Preliminary Injunction And Declaratory Relief. That Motion is scheduled for hearing on October 20, 2008 at 9:00 a.m., and as a practical matter seeks the ultimate final relief sought, since it would govern through Election Day.

4. Macomb County's Motion To Dismiss should be decided before the injunctive and declaratory relief that Plaintiffs' request is considered. Expedited consideration is appropriate because the issues raised in Plaintiffs' pleadings relate to the general election scheduled for November 4, 2008.

5. Plaintiffs, Defendant Republican National Committee and Defendant Michigan Republican Party have all requested expedited consideration of their motions, which was granted by this Court on October 2, 2008.

6. The issues in this case as they pertain to Plaintiffs and to all named Defendants are identical and the legal basis for Macomb County's Motion to Dismiss is substantively similar to the Motions to Dismiss filed previously by the other two Defendants, thus Plaintiffs can still submit a joint response to all three Defendants and will not be prejudiced in any way. Therefore, Macomb County requests that the schedule set forth in this Court's Superseding Order Granting Republican National Committee and Michigan Republican Party's Motions for Expedited Consideration of Their Respective Motions to Dismiss (October 2, 2008) (the "Superseding Order") be adopted for Macomb County as well, and that Macomb County's Motion to Dismiss, filed concurrently

herewith, be heard on an expedited basis, on the same schedule that has already been established by this Court.

7. Counsel for Macomb County has only recently been retained, but Macomb County states that it will comply with all the filing deadlines as set forth in the Superseding Order.

8. In compliance with Local Rule 7.1, Macomb County's counsel called Plaintiffs' counsel on October 7, 2008 to explain the basis for and seek concurrence with the relief requested in this Motion, and concurrence was granted. **This Motion for Expedited Consideration is thus unopposed.**

WHEREFORE, Macomb County respectfully requests that its Motion To Dismiss be decided by the Court on an expedited basis according to the schedule set forth in the Superseding Order, before considering Plaintiffs' Motion For Preliminary Injunction And Declaratory Relief.

Respectfully submitted,

HONIGMAN MILLER SCHWARTZ AND COHN LLP

Attorneys for Defendant
Macomb County Republican Party

Date: October 8, 2008

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DEFENDANT MACOMB COUNTY REPUBLICAN PARTY'S BRIEF IN SUPPORT OF UNOPPOSED MOTION FOR EXPEDITED CONSIDERATION OF MOTION TO DISMISS

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DEFENDANT MACOMB COUNTY REPUBLICAN PARTY'S BRIEF IN SUPPORT OF UNOPPOSED MOTION FOR EXPEDITED CONSIDERATION OF MOTION TO DISMISS

In support of the Macomb County Republican Party's ("Macomb County") Unopposed Motion for Expedited Consideration of Macomb County's Motion to Dismiss, Macomb County relies upon the facts and law set forth in its Unopposed Motion for Expedited Consideration, along with Local Rule 7.1, and this Honorable Court's inherent power to manage the schedule in matters pending before it.

Respectfully submitted,

HONIGMAN MILLER SCHWARTZ AND COHN LLP
Attorneys for Defendant
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Date: October 8, 2008

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CERTIFICATE OF SERVICE

I hereby certify that on October 8, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the above-referenced attorneys of record.

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