

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES STUDENT ASSOCIATION
FOUNDATION, as an organization and
representative of its members, AMERICAN CIVIL
LIBERTIES UNION FUND OF MICHIGAN,
as an organization and representative of its members,
AMERICAN CIVIL LIBERTIES UNION OF
MICHIGAN, as an organization and representative of
its members,

Case No. 2:08-cv-14019

Hon. Stephen J. Murphy III

Plaintiffs,

v.

TERRI LYNN LAND, Michigan Secretary of State,
and CHRISTOPHER M. THOMAS, Michigan
Director of Elections, FRANCES MCMULLAN, City
Clerk for the City of Ypsilanti, Michigan, in their
official capacities,

Defendants.

***EX PARTE* MOTION FOR LEAVE TO FILE
CONSOLIDATED REPLY BRIEF IN SUPPORT OF MOTION FOR PRELIMINARY
INJUNCTION IN EXCESS OF TEN PAGES**

Plaintiffs United States Student Association Foundation (“USSA”), American Civil Liberties Union Fund of Michigan (“ACLU Fund”) and the American Civil Liberties Union of Michigan (“ACLU of Michigan”) (together, “Plaintiffs”) through their undersigned attorneys, respectfully submits this *Ex Parte* Motion for Leave to File Consolidated Reply Brief in Support of Motion for Preliminary Injunction in Excess of Ten Pages.

Plaintiffs seek a preliminary injunction prohibiting the Michigan Secretary of State, Michigan Director of Elections and the City Clerk for the City of Ypsilanti, Michigan (together, “Defendants”) from engaging in actions that violate both federal and state laws

protecting the rights of Michigan residents to vote. This case involves complex facts and issues. E.D. Mich LR 7.1(c)(3)(A) provides that “a party seeking to file a longer brief may apply *ex parte* to the Court in writing setting forth the reasons.”

The legal issues addressed in Plaintiffs’ Reply Brief relate to a complaint that asserts multiple causes of action arising from two separate practices that have caused the improper removal of thousands of voters from Michigan’s Qualified Voter File. Further, Plaintiffs’ Reply is to two separate responses one filed on behalf of Frances McMullen and the other by Defendants Terri Lynn Land and Christopher M. Thomas. The Land and Thomas Response Brief, in particular, is thirty-seven pages in length. Given the magnitude of the claims at issue, and the complexity of the legal issues it raises, the page limitations provided by the Local Rules does not provide enough space for a full analysis and presentation of the extensive bases pertinent to resolution of Plaintiffs’ Motion for Preliminary Injunction.

WHEREFORE, pursuant to LR 7.1(c)(3)(A) Plaintiffs respectfully request the Court’s permission to file a 15 page Reply Brief in support of their Motion for Preliminary Injunction.

Respectfully submitted,

/s/ Matthew J. Lund
MATTHEW J. LUND (P48632)
MARY K. DEON (P63019)
DEBORAH KOVSKY-APAP (P68258)
Cooperating Attorneys
ACLU Fund of Michigan
Pepper Hamilton LLP
100 Renaissance Center, 36th Floor
Detroit, MI 48243-1157
(313) 259-7110
lundm@pepperlaw.com
deonm@pepperlaw.com
kovskyd@pepperlaw.com
Attorneys for Plaintiffs

Bradley E. Heard (admission pending)
Advancement Project
1730 M Street, NW, Suite 910
Washington, DC 20036
Phone: (202) 728-9557 Ext. 310
bheard@advancementproject.org
Attorneys for Plaintiffs

Meredith Bell-Platts (admission pending)
Neil Bradley (admission pending)
American Civil Liberties Union Foundation, Inc.
Voting Rights Project
230 Peachtree Street, NW, Suite 1440
Atlanta, GA 30303
Phone: 404.523.2721
mbell@aclu.org
nbradley@aclu.org
Attorneys for Plaintiffs

Michael J. Steinberg (P43085)
Kary L. Moss (P43759)
American Civil Liberties Union
Fund of Michigan
2966 Woodward Avenue
Detroit, MI 48221
(313) 578-6814
msteinberg@aclumich.org
Attorneys for Plaintiffs

Dated: September 17, 2008

#10068758 v1 (999922.2006)