

**STATE OF MICHIGAN
IN THE COURT OF CLAIMS**

PLANNED PARENTHOOD OF
MICHIGAN, on behalf of itself, its
physicians and staff, and its patients;
and SARAH WALLETT, M.D., M.P.H.,
FACOG, on her own behalf and on
behalf of her patients,

Plaintiffs,

v

ATTORNEY GENERAL OF THE
STATE OF MICHIGAN, in her official
capacity,

Defendant.

Case No. 22-000044-MM

Hon. Elizabeth L. Gleicher

**Motion for Immediate Considera-
tion of Motion of Right to Life of
Michigan and the Michigan
Catholic Conference for leave to
file amicus curiae brief (1) in
support of dismissal for lack of
jurisdiction, (2) for recusal, and
(3) if necessary, for a briefing
schedule**

**THIS CASE INVOLVES A CLAIM
THAT A MICHIGAN STATUTE IS
UNCONSTITUTIONAL**

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Right to Life of Michigan and the Michigan Catholic Conference respectfully move this Court under MCR 2.119 for immediate consideration of their motion for leave to file an *amici curiae* brief. In support of this motion, Right to Life and the Michigan Catholic Conference state as follows:

1. This collusive litigation, filed by Plaintiff Planned Parenthood and its medical director, is nominally brought against Defendant Attorney General Nessel, who not only publicly endorses Plaintiffs' legal position but has vowed not to fulfill her duty to defend the valid Michigan statute at issue. It raises issues of great significance to *amici*, and indeed, the whole State.

2. As set forth more fulsomely in the proposed *amici curiae* brief attached to their motion for leave, Right to Life of Michigan and the Michigan Catholic Conference are deeply concerned about this litigation, which attempts to challenge a longstanding, Michigan pro-life law based on legal events that have not yet happened, and involves parties—Planned Parenthood and the Michigan Attorney General—who lack adversity because they both agree on the outcome they desire.

3. Right to Life and the Michigan Catholic Conference are also deeply concerned that this case has been assigned to a Michigan Court of Claims judge who has not yet recused but previously, in private practice, represented parties in litigation to invalidate Michigan pro-life laws while working with Plaintiffs' counsel, the ACLU; who has received an award from Planned Parenthood; and who remains an annual and longtime contributor to Plaintiff Planned Parenthood. Remarkably, this will result in a judge indirectly funding the very action over which she presides.

4. This Court must address the issues of recusal and justiciability before considering any motion practice, including Plaintiffs' premature motion for a preliminary injunction. Accordingly, this Court should give immediate consideration to Plaintiffs' motion for leave to file an amicus curiae brief (1) in support of dismissal for lack of jurisdiction, (2) for recusal, and (3) if necessary, for a briefing schedule.

WHEREFORE, Right to Life of Michigan and the Michigan Catholic Conference respectfully request that this Court immediately consider their request to participate as *amici curiae* in this case.

Dated: April 20, 2022

Respectfully submitted,

ALLIANCE DEFENDING FREEDOM

By /s/ John J. Bursch

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Document received by the MI Court of Claims.