

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TIMOTHY KING, MARIAN SHERIDAN,  
JOHN HAGGARD, CHARLES  
RITCHARD,  
JAMES HOOPER, DAREN  
RUBINGH,

Plaintiffs,

v.

GRETCHEN WHITMER, in her official  
capacity as the Governor of the State of  
Michigan, JOCELYN BENSON, in her  
official capacity as Michigan Secretary of  
State and the Michigan BOARD OF  
STATE CANVASSERS,

Defendants,

and

CITY OF DETROIT, DEMOCRATIC  
NATIONAL COMMITTEE and  
MICHIGAN DEMOCRATIC PARTY,  
Intervenor-Defendants.

Defendant.

CASE NO. 2:20-cv-13134

Hon. Linda V. Parker

Mag. R. Steven Whalen

**PLAINTIFFS' MOTION FOR LEAVE TO FILE SUPPLEMENTAL  
OPPOSITION TO THE CITY OF DETROIT'S MOTION FOR SANCTIONS,  
FOR DISCIPLINARY ACTION, FOR DISBARMENT REFERRAL AND FOR  
REFERRAL TO STATE BAR DISCIPLINARY BODIES AND TO THE  
DEFENDANTS WHITMER AND BENSON'S CONCURRENCE IN CITY OF  
DETROIT'S MOTION FOR SANCTIONS**

Pursuant to Rule 15 of the Federal Rule of Civil Procedure, Plaintiffs

respectfully move the Court for leave to file the attached Supplemental Opposition

to the City of Detroit's Motion for Sanctions, for Disciplinary Action, for Disbarment Referral and for Referral to State Bar Disciplinary Bodies and to the Defendants Whitmer and Benson's Concurrence in the City of Detroit's Motion for Sanctions. Allowing Plaintiffs to file the Supplemental Opposition would serve justice and promote judicial efficiency. This Honorable Court has not yet issued a ruling on the instant motion. Further, there would be no substantial or undue prejudice, bad faith, undue delay, or futility.

Plaintiffs specifically seek to inform the court that attorney Gregory Rohl filed Plaintiffs Complaint, (R. 1), as it was provided to him by the Sidney Powell team. Mr. Rohl made no additions, deletions, or corrections to the Complaint and merely added his signature to the signature page. Sidney Powell was not yet able to sign the Complaint as the Eastern District of Michigan requires admission to the court to submit documents signed by out of state attorneys. United States District Court—Eastern Michigan District, February 2, 2021, <https://www.mied.uscourts.gov/index.cfm?pageFunction=Information%20For%20AttorneysFAQList&FAQGroup=Information%20For%20Attorneys>.

Plaintiffs have sought concurrence from opposing counsel to file a Supplemental Opposition to the City of Detroit's Motion for Sanctions, for Disciplinary Action, for Disbarment Referral and for Referral to State Bar Disciplinary Bodies and to the Defendants Whitmer and Benson's Concurrence in the City of Detroit's Motion for Sanctions, and concurrence was denied. Plaintiffs are attaching Plaintiffs' Proposed Supplemental Opposition to the City of Detroit's

Motion for Sanctions, for Disciplinary Action, for Disbarment Referral and for Referral to State Bar Disciplinary Bodies and to the Defendants Whitmer and Benson's Concurrence in City of Detroit's Motion for Sanctions. (Exhibit 1).

Respectfully submitted,

/s/ Stefanie Lambert Junttila  
STEFANIE LAMBERT JUNTILA (P71303)  
Attorney for the Plaintiffs  
500 Griswold Street, Ste. 2340  
Detroit, MI 48226  
(313) 963-4740  
[attorneystefanielambert@gmail.com](mailto:attorneystefanielambert@gmail.com)

Dated: February 4, 2021

**MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR LEAVE TO  
FILE SUPPLEMENTAL OPPOSITION TO THE CITY OF DETROIT'S  
MOTION FOR SANCTIONS, FOR DISCIPLINARY ACTION, FOR  
DISBARMENT REFERRAL AND FOR REFERRAL TO STATE BAR  
DISCIPLINARY BODIES AND TO THE DEFENDANTS WHITMER AND**

**BENSON'S CONCURRENCE IN CITY OF DETROIT'S MOTION FOR SANCTIONS**

Pursuant to Rule 15, Plaintiffs move the Court to file the attached proposed Supplemental Opposition to the City of Detroit's Motion for Sanctions, for Disciplinary Action, for Disbarment Referral, and for Referral to State Bar Disciplinary Bodies and to the Defendants Whitmer and Benson's Concurrence in the City of Detroit's Motion for Sanctions.

Based on additional information Plaintiffs seek leave to supplement the original Opposition to the City of Detroit's Motion for Sanctions, for Disciplinary Action, for Disbarment Referral, and for Referral to State Bar Disciplinary Bodies and to the Defendants Whitmer and Benson's Concurrence in the City of Detroit's Motion for Sanctions.

**PROCEDURAL BACKGROUND**

Plaintiffs filed the original Complaint on November 25, 2020 with Gregory Rohl serving as local counsel. Plaintiffs amended their complaint on November 29, 2020 and filed a motion for Emergency Motion for Declaratory, Emergency, and Injunctive Relief, TRO (R. 6, 7). This Honorable Court denied the TRO on December 7, 2020. Plaintiffs promptly filed a Notice to Appeal with Stefanie Lambert Junttila serving as appellate local counsel. On January 5, 2021, the City of Detroit filed the City of Detroit's Motion for Sanctions, for Disciplinary Action, for Disbarment Referral and for Referral to State Bar Disciplinary Bodies. On January 19, 2021 Plaintiffs filed its Opposition to the City of Detroit's Motion for Sanctions, for

Disciplinary Action, for Disbarment Referral and for Referral to State Bar Disciplinary Bodies. (R. 93).

Plaintiffs now seek to supplement its Opposition to the City of Detroit's Motion for Sanctions, for Disciplinary Action, for Disbarment Referral and for Referral to State Bar Disciplinary Bodies (R. 93) with additional information pertaining to procedural information addressed on page nine of Plaintiffs Opposition to the City of Detroit's Motion for Sanctions, for Disciplinary Action, for Disbarment Referral and for Referral to State Bar Disciplinary Bodies. Specifically, Mr. Rohl seeks to submit an affidavit with additional information and Plaintiffs Proposed Supplemental Opposition to the City of Detroit's Motion for Sanctions, for Disciplinary Action, for Disbarment Referral and for Referral to State Bar Disciplinary Bodies is attached to this Motion for Leave to File Supplemental Opposition to the City of Detroit's Motion for Sanctions, for Disciplinary Action, for Disbarment Referral and for Referral to State Bar Disciplinary Bodies. (Exhibit 1).

#### ISSUE PRESENTED

Question: Should the Court grant leave for Plaintiffs to file Supplemental Opposition to the City of Detroit's Motion for Sanctions, for Disciplinary Action, for Disbarment Referral, and for Referral to State Bar Disciplinary Bodies and to the Defendants Whitmer and Benson's Concurrence in the City of Detroit's Motion for Sanctions?

Answer: Yes.

## LEGAL STANDARD AND ARGUMENT

Rule 15 states that “a party may amend its pleading with the courts leave” and that “the court should freely give leave when justice so requires.” Fed. R. Civ. P. 15.

“Leave to amend must generally be granted unless equitable considerations render it otherwise unjust.” *Arthur v. Maersk, Inc.*, 434 F.3d 196, 204 (3d Cir. 2006) (citing *Foman v. Davis*, 371 U.S. 178, 182 (1962) and *Lorenz v. CSX Corp.*, 1 F.3d 1406, 1414 (3d Cir. 1993)). “In the absence of substantial or undue prejudice, denial [of a motion to amend] must be grounded in bad faith or dilatory motives, truly undue or unexplained delay, repeated failure to cure deficiency by amendments previously allowed or futility of amendment.” *Heyl & Patterson Int’l, Inc. v. F.D. Rich Housing of V.I., Inc.*, 663 F.2d 419, 425 (3d Cir. 1981) (citing *Foman*, 371 U.S. at 182). Given the liberal standard under Rule 15(a), “the burden is on the party opposing the amendment to show prejudice, bad faith, undue delay, or futility.” *Chancellor v. Pottsgrove Sch. Dist.*, 501 F. Supp. 2d 695, 700 (E.D. Pa. 2007).

Allowing Plaintiffs to file the Supplemental Opposition to the City of Detroit’s Motion for Sanctions, for Disciplinary Action, for Disbarment Referral, and for Referral to State Bar Disciplinary Bodies and to the Defendants Whitmer and Benson’s Concurrence in the City of Detroit’s Motion for Sanctions would serve justice by allowing the court to rely on additional information when issuing its ruling on the instant motion.

CONCLUSION

For these reasons, Plaintiffs respectfully request that the Court grant leave to file the attached Supplemental Opposition to the City of Detroit's Motion for Sanctions, for Disciplinary Action, for Disbarment Referral, and for Referral to State Bar Disciplinary Bodies and to the Defendants Whitmer and Benson's Concurrence in the City of Detroit's Motion for Sanctions.

/s/ Stefanie Lambert Junttila  
STEFANIE LAMBERT JUNTILA (P71303)  
Attorney for the Plaintiffs  
500 Griswold Street, Ste. 2340  
Detroit, MI 48226  
(313) 963-4740  
[attorneystefanielambert@gmail.com](mailto:attorneystefanielambert@gmail.com)

Dated: February 4, 2021

Certificate of Service

I, Stefanie Lambert Junttila, attorney at law, certify that on February 4, 2021, I caused a copy of this pleading to be served upon the Clerk of the Court and Government via E-file.

/s/ Stefanie Lambert Junttila  
STEFANIE LAMBERT JUNTILA

