

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

TIMOTHY KING, et al,

Plaintiffs,

Case No. 2:20-cv-13134-LVP-RSW

Hon. Linda V. Parker

v.

GRETCHEN WHITMER, et al,

Mag. Judge R. Steven Whalen

Defendants,

and

CITY OF DETROIT, DEMOCRATIC

NATIONAL COMMITTEE, and

MICHIGAN DEMOCRATIC PARTY,

and ROBERT DAVIS,

Intervenor-Defendants.

**SCOTT HAGERSTROM, JULIA HALLER,
BRANDON JOHNSON, HOWARD KLEINHENDLER,
SIDNEY POWELL, GREGORY ROHL, AND L. LIN WOOD'S
EX PARTE MOTION TO APPEAR VIA COUNSEL
AT THE JULY 12, 2021 HEARING**

Non-parties Scott Hagerstrom, Julia Haller, Brandon Johnson, Howard Kleinhendler, Sidney Powell, Gregory Rohl, and L. Lin Wood (“Movants”) seek clarification regarding whether they may appear via counsel at the July 12, 2021 hearing. This Court ordered each Movant to appear personally.

[ECF No. 123], and Movants are prepared to do so. Since the Court entered that order, however, Movants retained counsel. They therefore ask the Court to indicate whether they may appear via counsel. In support of this motion, Movants rely on the attached brief.

Movants believe this motion is appropriate for ex parte consideration under Fed. R. Civ. P. 47(c). To provide the Court with full information, however, Movants asked plaintiffs and defendants if they would concur in their request to appear via counsel. The defendants did not concur. Plaintiffs, through counsel Stephanie Lambert, concurred.

WHEREFORE Movants ask the Court to allow them to appear via counsel at the upcoming sanctions hearing.

Respectfully submitted,

COLLINS EINHORN FARREL PC

/s/ Donald D. Campbell

DONALD D. CAMPBELL (P43088)

/s/ Patrick K. McGlinn

PATRICK K. McGLINN (P51558)

Attorneys for Hagerstrom, Haller, Johnson,
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Dated: July 7, 2021

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EASTERN DISTRICT OF MICHIGAN

TIMOTHY KING, et al,

Plaintiffs,

Case No. 2:20-cv-13134-LVP-RSW

Hon. Linda V. Parker

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**BRIEF IN SUPPORT OF SCOTT HAGERSTROM, JULIA HALLER,
BRANDON JOHNSON, HOWARD KLEINHENDLER,
SIDNEY POWELL, GREGORY ROHL, AND L. LIN WOOD'S
EX PARTE MOTION TO APPEAR VIA COUNSEL
AT THE JULY 12, 2021 HEARING**

Concise Statement of Issue Presented

Before Movants retained counsel, this Court ordered them to appear personally at the upcoming sanctions hearing. Movants subsequently retained counsel. May Movants appear solely via counsel?

Controlling/Appropriate Authority for Relief Sought

This Court's June 17, 2021 Order (ECF No. 123, PageID.5134)

Fed. R. Civ. P. 47(c)

Argument

This Court issued its order requiring that “[e]ach attorney whose name appears on any of Plaintiffs’ pleadings or briefs shall be present at the motion hearing set for July 6, 2021 at 2PM.” [ECF No. 123]. The motion hearing referenced in the Court’s order is the hearing on Defendants’ motions for sanctions, now scheduled for July 12, 2021. [ECF No. 142].

On June 30, 2021, the undersigned filed their appearances for Scott Hagerstrom, Julia Haller, Brandon Johnson, Howard Kleinhendler, Sidney Powell, Gregory Rohl, and L. Lin Wood. [ECF Nos. 127-140]. The undersigned counsel are fully advised of the facts, circumstances, and arguments relevant to Defendants’ motions and can respond on behalf of Movants to the arguments in Defendants’ motions, as well as any inquiries from the Court. As the undersigned counsel have filed appearances and are fully advised of the facts and arguments, the need addressed by the Court’s June 17, 2021 order may be alleviated.

If the Court determines that Movants’ appearance via counsel is sufficient, Movants respectfully request that the Court excuse them from the requirement to appear in person and allow them to appear via counsel. On

the other hand, if the Court determines that Movants' presence is necessary, they are prepared to attend via Zoom.

Immediate, ex parte consideration of this motion under Fed. R. Civ. P. 47(c) is appropriate because this motion concerns a procedural issue within the Court's discretion. In addition, the hearing on the motions for sanctions is set for July 12, 2021, and this issue requires resolution before that date.

WHEREFORE, Movants ask the Court to grant Scott Hagerstrom, Julia Haller, Brandon Johnson, Howard Kleinhendler, Sidney Powell, Gregory Rohl, and L. Lin Wood's motion and allow them to appear solely via counsel at the July 12, 2021 hearing.

Respectfully submitted,

COLLINS EINHORN FARREL PC

/s/ Donald D. Campbell

DONALD D. CAMPBELL (P43088)

/s/ Patrick K. McGlinn

PATRICK K. McGLINN (P51558)

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Dated: July 7, 2021

Certificate of Service

I certify that, on July 7, 2021, I electronically filed *Scott Hagerstrom, Julia Haller, Brandon Johnson, Howard Kleinhendler, Sidney Powell, Gregory Rohl, and L. Lin Wood's Ex Parte Motion to Appear Via Counsel at the July 12, 2021 Hearing* with the Clerk of the Court using the ECF system, and that a copy was electronically served on all counsel of record via the ECF system and to any counsel not registered to receive electronic copies from the court, by enclosing same in a sealed envelope with first class postage fully prepaid, addressed to the above, and depositing said envelope and its contents in a receptacle for the US Mail.

/s/ Donald D. Campbell
DONALD D. CAMPBELL (P43088)

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