

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY KING, et al.,

Plaintiffs,

v.

Case No. 20-13134
Honorable Linda V. Parker

GRETCHEN WHITMER, et al.,

Defendants,

and

CITY OF DETROIT, DEMOCRATIC
NATIONAL COMMITTEE and
MICHIGAN DEMOCRATIC PARTY,
and ROBERT DAVIS,

Intervenor-Defendants.

OPINION AND ORDER

On Monday, July 12, 2021 at 8:30 a.m., this Court will hold a virtual hearing with respect to three motions for sanctions filed by Defendants and Intervenor-Defendants. (ECF Nos. 69, 78, and 105.) Several additional motions, for which the Court does not find a hearing necessary to resolve, remain pending:

- Plaintiffs' Motion to Seal, filed November 29, 2020 (ECF No. 8);
- Defendants' Motion to Dismiss, filed December 22, 2020 (ECF No. 70);
- Intervenor-Defendants Democratic National Committee's and Michigan Democratic Party's Motion to Dismiss, filed December 22, 2020 (ECF No. 72);

- Intervenor-Defendant City of Detroit's Motion to Dismiss and for Sanctions, filed December 22, 2020 (ECF No. 73);
- Intervenor-Defendant Robert Davis' Motion for the Court to Take Judicial Notice of Motion for Leave to Withdraw as Counsel, filed January 8, 2021 (ECF No. 79);
- Plaintiffs' Motion for Voluntary Dismissal as to Intervenor-Defendant Davis Pursuant to Federal Rule of Civil Procedure 41(a)(2), filed January 17, 2021 (ECF No. 92);
- Intervenor-Defendant City of Detroit's Motion for Leave to File a Supplemental Brief in Support of Motion for Sanctions, for Disciplinary Action, for Disbarment Referral and for Referral to State Bar Disciplinary Bodies, filed May 11, 2021 (ECF No. 121); and,
- Robert Davis' Motion to Take Judicial Notice of Michigan Senate Oversight Committee's June 23, 2021 Report, filed June 23, 2021 (ECF No. 124).

On January 14, 2021, Plaintiffs voluntarily dismissed from this action all Defendants and Intervenor-Defendants, except Intervenor-Defendant Davis. (*See* ECF Nos. 86-91.) The motions to dismiss filed by Defendants and Defendant-Intervenors (ECF Nos. 70, 72, 73) are thereby moot. While the City of Detroit also requested sanctions in its motion, it filed a subsequent motion for sanctions (ECF No. 78), which the Court believes moots or supersedes its earlier motion.

Davis does not oppose Plaintiffs' request to voluntarily dismiss provided such dismissal is contingent upon Plaintiffs paying his attorney's fees and costs. (ECF No. 110.) Whether Davis should be awarded fees and costs is the subject of another motion and, thus, his demand for sanctions is not a valid reason to deny

Plaintiffs' motion to dismiss where all parties agree that the issues raised by Plaintiffs in this litigation are now moot. The Court, therefore, is granting Plaintiffs' motion to dismiss as to Davis. (ECF No. 92.)

The Court does not require supplemental briefing to assess its ability to sanction Attorney L. Lin Wood in this case. Nor, to decide the pending sanctions motions, does the Court find it necessary to consider the motion to withdraw filed in another federal district court or the Michigan Senate Oversight Committee's June 21, 2021 report. Therefore, the Court is denying the City of Detroit's motion to file a supplemental brief (ECF No. 121) and Davis' motions to take judicial notice (ECF Nos. 79, 124).

Lastly, the Court is denying Plaintiffs' motion to seal several affidavits filed in support of this lawsuit. (ECF No. 8.) Courts have long recognized a "strong presumption in favor of openness" regarding court records. *Brown & Williamson Tobacco Corp. v. FTC*, 710 F.2d 1165, 1179 (6th Cir. 1983). "Only the most compelling reasons can justify non-disclosure of judicial records." *Nixon v. Warner Commc'ns Inc.*, 435 U.S. 589, 598 (1978). To support the request to seal, Plaintiffs offer mere speculation and conclusory statements of possible harm to the unspecified affiants.

To summarize, the Court **DENIES** Plaintiffs' motion to seal (ECF No. 8), the City of Detroit's motion to file a supplemental brief (ECF No. 121), and Davis'

motions to take judicial notice (ECF Nos. 79, 124). The Court **DENIES AS MOOT** the motions to dismiss filed by Defendants and Intervenor-Defendants (ECF Nos. 70, 72, 73) and **GRANTS** Plaintiffs' motion to voluntarily dismiss Davis (ECF No. 92).

IT IS SO ORDERED.

s/ Linda V. Parker

LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: July 9, 2021