

No. \_\_\_\_\_

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**In the Supreme Court of the United States**

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**GRETCHEN WHITMER, GOVERNOR OF MICHIGAN; JOCELYN BENSON, SECRETARY OF STATE OF MICHIGAN; JONATHAN BRATER, DIRECTOR OF THE MICHIGAN BUREAU OF ELECTIONS, IN THEIR OFFICIAL CAPACITIES, APPLICANTS**

v.

**SAWARI MEDIA L.L.C., ET AL.**

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**APPENDIX C to Emergency Application to Stay the Preliminary Injunction Pending a Merits Decision by the Court of Appeals**

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Appendix C: June 23, 2020 order denying the State's second proposed remedy.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SAWARIMEDIA LLC, *et al.*,

Plaintiffs,

Case No. 20-cv-11246  
Hon. Matthew F. Leitman

v.

GRETCHEN WHITMER, *et al.*,

Defendants.

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**ORDER REJECTING SECOND NOTICE OF  
PROPOSED REMEDY (ECF No. 23)**

On June 11, 2020, this Court entered a preliminary injunction enjoining Defendants “from excluding Plaintiffs’ ballot initiative from the 2020 general election ballot on the basis that Plaintiffs did not collect 340,047 valid signatures by the May 27, 2020, filing deadline.” (Op. and Order, ECF No. 17, PageID.255.) The Court then directed Defendants to “select [their] own adjustments so as to reduce the burden on ballot access, narrow the restrictions to align with [their] interest, and thereby render the application of the [signature requirement and filing deadline] constitutional under the circumstances.” (*Id.*, PageID.256, quoting *Esshaki v. Whitmer*, --- F. App’x ---, 2020 WL 2185553, at \*2 (6th Cir. May 5, 2020).)

Defendants filed a Second Notice of Proposed Remedy on June 16, 2020. (*See* Notice, ECF No. 23.) The Court held a status conference on June 22, 2020, to

discuss the proposed remedy. For the reasons stated on the record during the status conference, the Court concludes that the remedy now offered by Defendants – while proposed in good faith – is not narrowly tailored and therefore does not properly remedy the constitutional violation identified in the Court’s Opinion and Order. Accordingly, the second notice of proposed remedy (ECF No. 23) is **REJECTED**.

s/ Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: June 23, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 23, 2020, by electronic means and/or ordinary mail.

s/ Holly A. Monda

Case Manager

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