

LAWRENCE J. JOSEPH, ESQ.

1250 Connecticut Avenue, NW, Suite 700-1A • Washington, DC 20036
Tel: 202-355-9452 • Fax: 202-318-2254
www.larryjoseph.com

December 4, 2023

VIA ELECTRONIC FILING

Scott S. Harris
Clerk of the Court
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

**Re: *Powell v. Whitmer*, No. 23-486 (U.S.)
Initial Response to City of Detroit’s Motion for Extension**

Dear Mr. Harris:

On behalf of petitioners in the above-captioned matter, this letter provides an initial response to respondent City of Detroit’s letter motion for a 60-day extension pursuant to this Court’s Rule 30.4. To the extent that the Office of the Clerk already has granted that letter motion when this letter reaches your Office, petitioners are “aggrieved” by that action as set forth below and—pursuant to Rule 30.4—request that the motion be submitted to the Court. If your Office has not already granted the Detroit letter motion, petitioners respectfully submit that your Office should stay its hand until further advised by the parties. As explained below, petitioners take issue with two statements in Detroit’s letter motion and reached out to the parties’ counsel over the weekend to propose an alternate briefing schedule.

First, petitioners’ counsel did not receive Detroit’s inquiry apparently sent circa 1:30 pm on Friday. Server-side software with the undersigned counsel’s email quarantined Detroit’s initial email, which was not actually received until Saturday morning. Detroit then filed its motion circa 5:10 pm on Friday, which was the first petitioners heard of the extension issue.

Second, as the petition for a writ of *certiorari* explains, petitioners contend that there is a crucial need to resolve the Article III issues around the justiciability of candidates’ claims under the Electors and Elections Clauses of the federal Constitution before the 2024 election. *See* Pet. 5-6, 8, 18-19, 29, 34-35. Petitioners thus dispute Detroit’s statement that “[t]here are no known circumstances that necessitate a speedy ruling on the Petition.” Detroit Mot. 1. Petitioners seek to resolve the merits *this term*, which is inconsistent with an open-ended 60-day extension.

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Third, on Sunday afternoon, petitioners' counsel emailed respondents' counsel a proposed alternate briefing schedule that—petitioners believe—addressed the issue that Detroit's letter motion raised. If the parties reach agreement about a briefing schedule, that agreement would supersede Detroit's proposed 60-day extension. If the parties do not reach agreement, petitioners will file a formal opposition to Detroit's motion and a cross-motion to expedite this matter.

In summary, one or more of the parties will file documents responsive to Detroit's letter motion in the near future. If the parties reach agreement, that filing will be a letter motion that supersedes Detroit's letter motion dated December 1. If the parties do not reach agreement, the filings will present alternate positions on the briefing schedule for submission to the Court.

Please contact me—or have your staff contact me—with any questions about this matter.

Yours sincerely,

/s/ Lawrence J. Joseph

Lawrence J. Joseph

Enclosure (Certificate of Service)

CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2023, I electronically filed the foregoing document with the Clerk of the Court for the U.S. Supreme Court via the Court's electronic filing system, which will serve the parties' counsel of record who have appeared in the case. In addition, because the counsel for one respondent has not yet appeared, I further certify that on this 4th day of December 2023, I mailed one true and correct copy of the foregoing document on the counsel identified below by First Class U.S. Mail, postage pre-paid, with a PDF courtesy copy served via electronic mail:

Paul J. Stablein
Paul Stablein, PLLC
33 Bloomfield Hills Parkway, Suite 242
Birmingham, MI 48009
Tel: 248-540-1600
Email: paul@stableinlaw.com

Executed December 4, 2023,

/s/ Lawrence J. Joseph

Lawrence J. Joseph