

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC ESSHAKI, as candidate for United
States Congress and in his individual
capacity,

Plaintiff,
and

MATT SAVICH, DEANA BEARD, and
SHAKIRA L. HAWKINS,

Intervenors-Plaintiffs,

v

GRETCHEN WHITMER, Governor of
Michigan, JOCELYN BENSON, Secretary of
State of Michigan, and JONATHAN BRATER,
Director of the Michigan Bureau of
Elections, in their official capacities,

Defendants.

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No. 2:20-cv-10831

HON. TERRENCE G. BERG

MAG. ELIZABETH A. STAFFORD

**AMICUS BRIEF IN SUPPORT OF
THE STATE OF MICHIGAN'S
RESPONSE TO TRO – #55**

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AMICUS BRIEF IN SUPPORT OF THE STATE OF MICHIGAN'S
RESPONSE TO TRO – #55

Armand Velardo, an established candidate for Macomb County Probate Court Judge, states the following:

1. The incumbent Macomb County Probate Court Judge (“the Judge”) has not been on the bench for approximately six months due to undisclosed medical issues.
2. The Judge has had a long history of absences and has a history of questionable decisions which have been the subject of many news articles and investigations.
3. More than a year ago, numerous Macomb County attorneys encouraged me to run against the Judge in the upcoming election.
4. I filed my Statement of Organization/Committee with the State of Michigan on February 14, 2020, pursuant to Michigan law.
5. I obtained approximately 2,400 signatures and filed the same prior to the initial deadline of April 21, 2020. Many of these signatures were obtained by my wife and I on March 10, 2020 (the date of the Presidential Primary), subjecting my wife and myself to the possibility of contracting COVID-19; of course, we did not know this at the time.

6. The reason I made the decision to begin obtaining signatures in late February, 2020, and made an added push to obtain signatures on March 10, 2020 (the date of the Presidential Primary), was because I sensed Governor Whitmer might shut down the State of Michigan due to the global pandemic.
7. When Governor Whitmer issued her Stay-At-Home Executive Order, I mailed petitions to 200 friends and family members with instructions so the petitions would be filled out properly. I did this to obtain approximately 400 additional signatures so that I would have a cushion with respect to the minimum 2,000 signature requirement.
8. Unlike Lynn M. Maison (“Maison”), I filed early and took the wrath for challenging the incumbent Judge, because I knew from previous experience the difficulty in obtaining a minimum of 2,000 valid signatures in a non-partisan election even when there is not a global pandemic.
9. On the other hand, Maison, pursuant to her pleadings, was concerned with the possible wrath she might receive by filing against the incumbent Judge. Upon information and belief, it is my understanding that Maison was also sitting on the sidelines hoping that the Judge would pull out of the race due to her undisclosed medical issues, and then she would begin her campaign.
10. Although Maison suggested in her brief that she was trying to be “strategic” by not filing her Statement of Organization/Committee until May 12, 2020 (over two months late), her “strategy” backfired and should not be rewarded by this Honorable Court.
11. Pursuant to Maison’s Verified Complaint, Maison only had 230 signatures on March 23, 2020. Even if these signatures were valid, she obtained only 11.5% of the required 2,000 signatures on such date. From my experience, even without a pandemic, she would not

have been able to obtain the 2,000 signatures, and the necessary cushion of signatures, because she waited too long to obtain the signatures due to her “strategic plan”.

12. Maison conveniently leaves out of her pleadings how many signatures she had as of March 10, 2020. I suspect that they were minimal, and less than the 230 signatures she stated she had by March 23, 2020.

13. Whether she got caught by her “strategic plan” to not file her Statement of Organization/Committee until May 12, 2020, or because of the lack of signatures she obtained by March 10, 2020 (she had to have less than 230 signatures on this date which was not disclosed in her pleadings) or March 23, 2020 (she had 230 signatures as of this later date which was disclosed in her pleadings), she is clearly a “Johnny-Come-Lately” and is trying to take advantage of the Courts’ earlier rulings.

14. Contrary to Maison, Shakira L. Hawkins (“Hawkins”) had well over 3,000 signatures and was not hiding her candidacy. Unlike Maison, Hawkins is not a “Johnny-Come-Lately”.

15. Maison was concerned about disclosing her candidacy and purposely filed her Statement of Organization/Committee two months after it was due in violation of Michigan law; I believe this is a misdemeanor. On the other hand, I filed my Statement of Organization/Committee on February 14, 2020, and filed my nominating petitions with approximately 2,400 signatures prior to the initial filing date of April 21, 2020; I followed all the rules/laws.

16. If this Honorable Court allows Maison to run based on her actions as set forth above, I will suffer extreme prejudice because I will now have to run in a primary during an unprecedented pandemic; without Maison, there is no primary.

17. Stated another way, if this Honorable Court rules in favor of Maison, this Honorable Court will effectively give Maison a break due to the pandemic and allow her to violate Michigan law with respect to her lack of timely disclosure, while at the same time penalizing me for following the law; thereby forcing me to run in a primary during a pandemic which primary would not happen under the present Court rulings and the State of Michigan's Special Announcement/Procedure dated May 8, 2020 which is also consistent with the ruling of the United States Court of Appeals for the 6th Circuit.
18. As a result of the above, I concur with the State of Michigan's Response to TRO - #55 and request that this Honorable Court deny Intervening-Plaintiff Maison's Emergency Motion to Intervene for the reasons stated in such Response and as stated above.
19. Alternatively, a requirement that a candidate must have a certain minimum percentage (from 15% to 25%) of the initial minimum required 2,000 signatures for the Macomb County Probate Court Judge race as of the March 10, 2020 (the new deadline for filing the Statement of Organization/Committee) would be a narrower interpretation and would be fair to all those candidates who fully disclosed their campaign in accordance with Michigan law whether they were able to obtain the signatures or not; would be fair to all those individuals who decided not to continue pursuing signatures because they were unable to meet the new March 10, 2020 deadline to file their Statement of Organization/Committee; and to myself who followed Michigan law by filing my Statement of Organization/Committee in a timely fashion, obtained the initial minimum signatures of 2,000 (plus an additional 400 signatures) during these extraordinary times, and filed my nominating petitions prior to April 21, 2020.

20. Just so we are clear, my hope is that the Judge's undisclosed medical issues are resolved; I wish her a speedy recovery.

Respectively submitted,
**ARMAND VELARDO FOR
PROBATE COURT JUDGE**
By: /s/ Armand Velardo
Armand Velardo (P35315)
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Mount Clemens, MI 48043
(586) 469-8660

Dated: May 18, 2020

CERTIFICATE OF SERVICE

On May 19, 2020, this paper was filed electronically through the Court's CM/ECF filing system, which will give notice and copy all parties or attorneys of record. There does not appear to be any non-ECF filers on this case.

Respectively submitted,
**ARMAND VELARDO FOR
PROBATE COURT JUDGE**
By: /s/ Armand Velardo
Armand Velardo (P35315)
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Mount Clemens, MI 48043
(586) 469-8660

Dated: May 19, 2020