

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

Priorities USA, Rise, Inc., and the
Detroit/Downriver Chapter of the A.
Phillip Randolph Institute,

Plaintiffs,

v.

Dana Nessel, in her official capacity as
Attorney General of the State of
Michigan,

Defendant.

NO. 19-13341

DISTRICT JUDGE MARK A.
GOLDSMITH

MAGISTRATE JUDGE R.
STEVEN WHALEN

**MOTION FOR
CONSOLIDATION OF
RELATED CASES**

Pursuant to Federal Rules of Civil Procedure 42 and Local Rule 83.11, Plaintiffs move for consolidation of *Priorities USA v. Nessel*, Case No. 2:20-cv-10211 (“*Priorities II*”), with this action (“*Priorities I*”). The undersigned counsel certifies that counsel communicated in writing with opposing counsel, explaining the nature of the relief to be sought by way of this motion and seeking concurrence in the relief; opposing counsel thereafter expressly denied concurrence.

In this action, Defendant filed a motion to dismiss on December 20, 2019, alleging that Plaintiff lacked standing to bring its claims. Dkt. 10. Plaintiffs filed an amended complaint on January 27, 2020. Dkt. 17. That amended complaint included additional factual allegations, added Plaintiffs Rise, Inc. and the Detroit/Downriver

Chapter of the A. Philip Randolph Institute, added new claims, and omitted a claim.
Id.

Contemporaneously with the amended complaint, Plaintiffs also filed *Priorities II* in the Eastern District of Michigan. Civ. Act. No. 2:20-cv-10211, Dkt. 1. *Priorities II* involves the same parties and identical factual allegations and claims as the amended complaint filed in this action. *Priorities II* was filed out of an abundance of caution to ensure that new allegations were considered in the court's assessment of standing.

Federal Rule of Civil Procedure 42(a) allows consolidation of two actions if the actions "involve a common question of law or fact." Because the issues and parties are identical, it is appropriate for the court to consolidate the two actions and treat them as a single case. *See Advey v. Celotex Corp.*, 962 F.2d 1177, 1181 (6th Cir. 1992). The consolidation of the actions in front of this court would prevent duplicative proceedings and be the most efficient because that court has already entertained motions practice, Civ. Act. No. 19-13341 Dkt. 10, and entered an order in response, Dkt. 13. Accordingly, Plaintiffs move for consolidation of *Priorities II* into this action.

Dated: January 27, 2020

Kevin J. Hamilton
PERKINS COIE LLP
1201 3rd Ave.
Seattle, WA 98101
Telephone: (206) 359-8000
Facsimile: (206) 359-9741
khamilton@perkinscoie.com

Sarah S. Prescott, Bar No. 70510
SALVATORE PRESCOTT &
PORTER, PLLC
105 E. Main Street
Northville, MI 48168

Attorneys for Plaintiffs

Respectfully submitted,

By: /s/ Marc E. Elias
Marc E. Elias
Christopher J. Bryant
Courtney A. Elgart*
PERKINS COIE LLP
700 Thirteenth Street, N.W., Suite 800
Washington, D.C. 20005-3960
Telephone: (202) 654-6200
Facsimile: (202) 654-6211
melias@perkinscoie.com
cbryant@perkinscoie.com
celgart@perkinscoie.com

Attorneys for Plaintiffs

*Seeking Admission to E.D. Mich.

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2020, I electronically filed the above document(s) with the Clerk of the Court using the ECF System, which will provide electronic copies to counsel of record.

LOCAL RULE CERTIFICATION

I, Marc Elias, certify that this document and complies with Local Rule 5.1(a), including: double-spaced (except for quoted materials and footnotes); at least one-inch margins on the top, sides, and bottom; consecutive page numbering; and type size of all text and footnotes that is no smaller than 10-1/2 characters per inch (for non-proportional fonts) or 14 point (for proportional fonts). I also certify that it is the appropriate length. Local Rule 7.1(d)(3).

Respectfully submitted,

By: /s/ Marc E. Elias

Marc E. Elias

PERKINS COIE LLP

700 Thirteenth Street, N.W., Suite 800

Washington, D.C. 20005-3960

Telephone: (202) 654-6200

Facsimile: (202) 654-6211

melias@perkinscoie.com