

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**TAWANNA SIMPSON,**  
Plaintiff,

**Case No. 16-cv-13784**  
**HON. ARTHUR J. TARNOW**

v

**CATHY M. GARRETT**, in her official capacity as the duly elected Wayne County Clerk, **WAYNE COUNTY ELECTION COMMISSION, WAYNE COUNTY BOARD OF CANVASSERS, JANICE WINFREY**, in her official capacity as the duly elected Detroit City Clerk, and **UNNAMED/UNKNOWN ELECTION INSPECTORS**, in their official capacities,  
Defendants.

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**PLAINTIFF TAWANNA SIMPSON'S EMERGENCY MOTION FOR  
EXPEDITED DECISION/HEARING ON MOTION FOR TRO, OR IN THE  
ALTERNATIVE, MOTION FOR PRELIMINARY INJUNCTION AGAINST  
DEFENDANT WAYNE COUNTY BOARD OF CANVASSERS**

NOW COMES PLAINTIFF, TAWANNA SIMPSON (**“Plaintiff” or “Plaintiff Simpson”**), by and through her attorney, ANDREW A. PATERSON, and for her Emergency Motion for Expedited Decision/Hearing On Plaintiff’s Motion for TRO, Or in the Alternative, Motion for Preliminary Injunction Against Defendant Wayne County Board of Canvassers, states the following:

On Tuesday, November 8, 2016, the citizens of the State of Michigan and the City of Detroit exercised their fundamental constitutional right to vote and elected a new President of the United States and 7 new members of the new Detroit Community School District Board of Education.

In accordance with Mich. Comp. Laws § 168.821 of Michigan Election Law, Defendant Wayne County Board of Canvassers convened as a public body on Wednesday, November 9, 2016 to commence canvassing the votes cast for candidates for the new Detroit Community School District Board of Education. Pursuant to Mich. Comp. Laws § 168.822 of Michigan Election Law, the Defendant Wayne County Board of Canvassers has 14 days from November 9, 2016 to certify the election results.

Accordingly, Plaintiff Simpson, who received an impressive 26,875 votes and finished in a close 8<sup>th</sup> place, seeks the entry of an order enjoining the Defendant Wayne County Board of Canvassers from certifying any and all votes cast for Penelope Bailer who received, according to unofficial totals, 19,479 votes.

Now that the election is over and the results have been examined, Plaintiff Simpson will be amending her complaint to add a state-law *quo warranto* claim pursuant to Mich. Comp. Laws § 600.4545. Plaintiff Simpson's state-law *quo warranto* claim will allege that the apparent error of permitting an otherwise ineligible candidate's name to be printed on the ballot affected the outcome of the election.

Consequently, it is imperative that this Honorable Court issues its ruling within the next **13 days *before*** the Defendant Wayne County Board of Canvassers certifies the election results.

### **CONCLUSION**

**WHEREFORE**, for the foregoing reasons, Plaintiff Simpson prays that this Honorable Court GRANT her Emergency Motion for Expedited Decision/Hearing.

Dated: November 10, 2016

Respectfully submitted,

/S/ ANDREW A. PATERSON  
ANDREW A. PATERSON (P18690)  
Attorney for Plaintiff Simpson  
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### **CERTIFICATE OF SERVICE**

I, ANDREW A. PATERSON, certify that the foregoing document(s) was filed and served via the Court's electronic case filing and noticing system (ECF) this 10th day of November, 2016, which will automatically send notification of such filing to all attorneys and parties of record registered electronically.

Respectfully submitted,

/s/ ANDREW A. PATERSON  
ANDREW A. PATERSON (P18690)  
Attorney for Plaintiff Simpson