

Court Address: 925 West Ottawa Street, Lansing, Michigan 48909 | Court Phone: 517-373-0807

**STATE OF MICHIGAN
IN THE COURT OF CLAIMS**

STEPHEN CARRA and ROBERT CUSHMAN
Plaintiffs

Case No. 20-000211-MZ

v.

Hon. Cynthia D. Stephens

JOCELYN BENSON, in her official capacity as
Secretary of State for the State of Michigan and
JONATHAN BRATER, in his official capacity as
Director of the Michigan Bureau of Elections
Defendants

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STIPULATED FINAL ORDER

At a session of the Michigan Court of Claims,
held in Detroit, Michigan,
on November 10, 2020.

Present: The Honorable
Cynthia D. Stephens, Judge of the Court of Claims

This matter came before the Court on Plaintiffs' complaint for declaratory relief and contemporaneously filed motion for a preliminary injunction. In summary, Plaintiffs alleged that Defendants' guidance to local election officials with regard to election challengers was in violation of law. In lieu of proceeding further on those claims, the parties have mutually stipulated to entry of this order resolving the action in full. Acknowledging that stipulation, and being fully advised in its premises, THE COURT HEREBY ORDERS:

1. This is a final order and is immediately enforceable.
2. As soon as practical, but not later than 5:00 p.m. on Thursday, October 29, 2020, Defendants shall issue amended written guidance to local election officials as follows:

“Challengers / Poll Watchers: Challengers and poll watchers have their rights and responsibilities established under law. Challengers and poll watchers are required to wear masks that cover their nose and mouth unless they cannot medically tolerate a face covering. Challengers and poll watchers who cannot medically tolerate a face covering should wear a face shield if possible. Election workers may require that challengers and poll watchers observe proper social distancing, meaning that challengers and poll watchers should maintain at least six (6) feet of distance between themselves and election workers, as much as possible. However, challengers may stand in closer proximity to election workers to have a challenge heard, observe the poll book, or perform other tasks established under law provided that these close personal interactions are as brief as reasonably possible. Once a challenge, observation, or other permitted task is complete, challengers and poll watchers should resume remaining six (6) feet away from voters and poll workers.

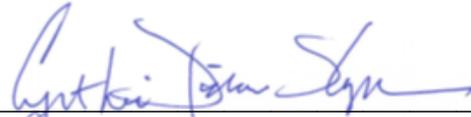
This amended directive wholly supersedes the following previous guidance:

Challengers / Poll Watchers: While challengers' and poll watchers' have their rights and responsibilities established under law, election workers can strictly enforce requirements that they observe proper social distancing. Challengers and poll watchers are subject to the requirement in MDDHS

Order, to use face coverings in enclosed spaces (unless exempt due to health reasons).”

3. Defendants shall stop their dissemination of previous inconsistent guidance as necessary to avoid conflicting information, i.e. by amending any “Frequently Asked Question” guidance.
4. Defendants shall provide this amended directive to local election officials in a manner most likely to ensure timely receipt.
5. If Plaintiffs allege that there is a violation of this order, they shall first give written notice of the alleged defect to Defendants through counsel and provide a reasonable opportunity to correct the same before requesting that Defendants show cause why they should not be held in contempt of court. This paragraph shall not infringe on the Court’s inherent power to enforce its orders and/or punish a contemnor.
6. No costs are awarded to either party.

SO ORDERED:



HON. CYNTHIA D. STEPHENS
Judge of the Court of Claims

I stipulate to the form and content of this order and waive notice of its entry:

Dated: October 29, 2020

/s/ MATTHEW E. GRONDA

MATTHEW E. GRONDA (P73693)
Plaintiffs' Counsel

Dated: October 29, 2020

/s/ ERIK A. GRILL

ERIK A. GRILL (P64713)
Defendants' Counsel

Order prepared by: MATTHEW E. GRONDA (P73693)