

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

PLANNED PARENTHOOD OF  
MICHIGAN, on behalf of itself, its  
physicians and staff, and its patients;  
and SARAH WALLETT, M.D., M.P.H.,  
FACOG, on her own behalf and on  
behalf of her patients,

Plaintiffs,

v

ATTORNEY GENERAL OF THE  
STATE OF MICHIGAN, in her official  
capacity,

Defendant.

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Case No. 22-000044-MM

Hon. Elizabeth L. Gleicher

**Motion of Right to Life of  
Michigan and the Michigan  
Catholic Conference for leave to  
file amicus curiae brief (1) in  
support of dismissal for lack of  
jurisdiction, (2) for recusal, and  
(3) if necessary, a briefing  
schedule**

**THIS CASE INVOLVES A CLAIM  
THAT A MICHIGAN STATUTE IS  
UNCONSTITUTIONAL**

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Right to Life of Michigan and the Michigan Catholic Conference respectfully move this Court under MCR 2.119 for leave to file the attached *amici curiae* brief. In support of this motion, Right to Life and the Michigan Catholic Conference state as follows:

1. Right to Life of Michigan is a nonpartisan, nonsectarian, nonprofit organization of caring people, united to protect the precious gift of human life from fertilization to natural death. Right to Life encourages community participation in programs that foster respect and protection for human life. Right to Life gives a voice to the voiceless on life issues like abortion, infanticide, euthanasia, and physician-assisted suicide. Right to Life educates people on these issues and motivates them to action, including support for laws like MCL 750.14, the subject of this case.

2. The Michigan Catholic Conference serves as the official voice of the Catholic Church in Michigan on matters of public policy. Its mission is to promote a social order that respects the dignity of all persons and to serve the common good in accordance with the teachings of the Catholic Church. Its board of directors includes the active bishops of Michigan's seven Catholic dioceses. The Michigan Catholic Conference has a deep, abiding interest in this matter—the dignity and sanctity of all human life. The Conference is dedicated to preserving and protecting human life at all stages, including by supporting laws like MCL 750.14.

3. This collusive litigation, filed by Plaintiff Planned Parenthood and its medical director, is nominally brought against Defendant Attorney General who not

only publicly endorses Plaintiffs’ legal position but has vowed not to fulfill her duty to defend the valid Michigan statute at issue. It raises issues of great significance to *amici*, and indeed, the whole State.

4. As set forth more fulsomely in the attached, proposed *amici curiae* brief, Right to Life and the Michigan Catholic Conference are deeply concerned about this litigation, which attempts to challenge a longstanding, Michigan pro-life law based on legal events that have not yet happened, and involves parties—Planned Parenthood and the Michigan Attorney General—who lack adversity because they both agree on the outcome they desire.

5. Right to Life and the Michigan Catholic Conference are also deeply concerned that this case has been assigned to a Michigan Court of Claims judge who has not yet recused but previously, in private practice, represented parties in litigation to invalidate Michigan pro-life laws while working with Plaintiffs’ counsel, the ACLU; who has received an award from Planned Parenthood; and who remains an annual and longtime contributor to Plaintiff Planned Parenthood. Remarkably, this will result in a judge indirectly funding the very action over which she presides.

6. “In cases of public importance, where the Attorney General is assigned the job of advocating both positions, *amici curiae* can play a valuable gap-filling role for the court.” Michael F. Smith, *Amicus Curiae Briefs*, in MICH APPELLATE HANDBOOK § 10.2, 309 (Shannon & Gerville-Réache eds, 3d ed, Jan 2021 update), citing *In re Request for Advisory Op Regarding Constitutionality of 2011 PA 38*, 490 Mich 295; 806 NW2d 683 (2011) (cleaned up). So too, here. In this case of

undeniable public importance, where the Attorney General has decided to shirk her constitutional and statutorily assigned role and has adopted the same position as Plaintiffs, *amici* have a similarly important gap-filling role to play for the Court.

7. Right to Life and the Michigan Catholic Conference respectfully ask the Court to grant leave to file the attached *amici curiae* brief addressing these important issues and other procedural issues in this highly unusual case, and to accept the attached proposed *amici curiae* brief attached as **Exhibit 1**.

8. Pursuant to Court of Claims Rule 2.119(A)(2), counsel for *amici* requested concurrence of counsel for Plaintiffs and for Defendant on April 19, 2022. Concurrence was expressly denied by both sides.

WHEREFORE, Right to Life of Michigan and the Michigan Catholic Conference respectfully request that this Court grant their request to participate as *amici curiae* in this case and accept the attached proposed brief for filing.

Dated: April 20, 2022

Respectfully submitted,

ALLIANCE DEFENDING FREEDOM

By /s/ John J. Bursch

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# **EXHIBIT 1**