

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREEN PARTY OF MICHIGAN,
LIBERTARIAN PARTY OF MICHIGAN,
REFORM PARTY OF MICHIGAN, METRO
TIMES, INC., and DAVID FORSMARK,
d/b/a WINNING STRATEGIES,

Plaintiffs,

v.

Case No. 2:08-cv-10149
Hon. Nancy G. Edmunds

MICHIGAN SECRETARY OF STATE
TERRI LYNN LAND, in her individual capacity,

Defendant.

**ORDER GRANTING PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING
ORDER [5]**

This matter came on for hearing on Plaintiffs' motion for a temporary restraining order and a preliminary injunction. (Dkt. 5)

The Court has reviewed the pleadings, including the parties' briefs, and the Court has heard oral argument on February 27, 2008. The Court has determined, for reasons stated orally on the record, that a temporary restraining order should be granted for the limited purpose of preserving the status quo until the Court can hold a hearing on Plaintiffs' motion for summary judgment challenging the constitutionality of MCL 168.615c. (Dkt. 4) The Court has scheduled a hearing on Plaintiffs' summary judgment motion on an expedited basis, with the hearing to be held on March 26, 2008 (Dkt. 4), which is the date on which the Secretary of State is required to distribute the party preference information to the Major Parties. MCL 168.615c(5). *See* Complaint (Dkt. 1), ¶¶ 18-20.

After considering the pleadings, the parties' briefs and the oral argument, the Court has determined that a temporary restraining order should be entered for reasons stated orally on the record.

NOW, THEREFORE, IT IS ORDERED:

A. The Defendant, her employees, agents and attorneys, and those persons in active concert or participation with them who receive actual notice of this Temporary Restraining Order, be and are hereby temporarily restrained from, directly or indirectly, distributing the party preference information (as defined in MCL 168.615c) to any person until further order of this Court;

B. This temporary restraining order does not in any way restrict the Defendant from engaging in activities necessary or incidental to the preparation of the party preference lists and information or undertaking any other duties arising under MCL 168.615c;

C. There is no requirement for a bond because of the short duration of this temporary restraining order and because this case involves a constitutional question.

D. This temporary restraining order shall remain in effect until further order of the Court.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: February 28, 2008 February 28, 2008

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 28, 2008 February 28, 2008, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager