STATE OF MICHIGAN

COURT OF CLAIMS

ROBERT DAVIS,

Plaintiff,

v

Case No. 26-000145-MB

JOCELYN BENSON, in her official capacity as the duly elected Secretary of State,

Hon. Sima G. Patel

Defendant.
_____ /

ORDER DENYING PLAINTIFF'S MOTION TO STRIKE AND FIRST AMENDED SCHEDULING ORDER

On July 15, 2026, plaintiff filed a motion to strike the affidavit of Jonathan Brater filed with defendant's July 13, 2026 motion for summary disposition and the corrected "fully executed" affidavit filed as a replacement on July 14, 2026. At 4:30 p.m. on July 15, 2026, plaintiff filed an amended complaint as permitted by MCR 2.118(A)(1). In his response to defendant's July 13, 2026 motion for summary disposition filed on July 15, 2026, plaintiff contended that his amended complaint adding two additional counts rendered defendant's July 13, 2026 motion for summary disposition moot.

The Court agrees that because plaintiff has filed a first amended complaint as of right, the Court may no longer consider defendant's July 13, 2026 motion for summary disposition. The Court also may no longer consider the exhibits presented with that motion, rendering plaintiff's July 15, 2026 motion to strike the affidavit of Jonathan Brater MOOT.

The filing of plaintiff's first amended complaint also requires the Court to enter an amended scheduling order.

Plaintiff is directed to serve the first amended complaint and this order on the challenged candidate by **4:00 p.m. on Thursday, July 16, 2026.**

Defendant is directed to respond to the first amended complaint by **4:00 p.m. on Monday, August 3, 2026.**

If defendant responds with a motion for summary disposition, plaintiff must file a response by **4:00 p.m. on Thursday, August 6, 2026**. Defendant must file a reply by **4:00 p.m. on Monday, August 10, 2026**.

The Court will schedule oral argument if the Court determines it is required.

Because time is of the essence, the parties are directed, in addition to filing all pleadings with the Clerk, to e-mail all pleadings to Court of Claims Commissioner Amber Tykoski at atykoski@courts.mi.gov. Any questions may be directed to Ms. Tykoski as well.

Date: July 15, 2026

Sima G. Patel
Judge, Court of Claims