

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROSE BOGAERT,

Plaintiff,

File No. 1:08-CV-687

v.

HON. ROBERT HOLMES BELL

TERRI LYNN LAND, individually and in  
her official capacity as Michigan Secretary  
of State,

Defendant,

ANDREW DILLON, WAYNE COUNTY  
CLERK CATHY M. GARRETT, and  
WAYNE COUNTY ELECTION  
COMMISSION,

Intervenors.

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**PRELIMINARY INJUNCTION**

In accordance with the opinion entered this date,

Plaintiff Rose Bogaert has shown that there is a “strong” likelihood that the M.C.L. § 168.957 requirements that (1) recall petition circulators be registered to vote, and that (2) recall petition circulators be residents of the legislative district of the official to be recalled, as applied to the recall effort against Representative Andrew Dillon violate Plaintiff’s First Amendment rights; that she will otherwise suffer irreparable injury; that the issuance of a preliminary injunction will not cause substantial harm to others; and that the public interest

would be served by issuance of a preliminary injunction. Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's motion for a preliminary injunction (Dkt. No. 2) is **GRANTED IN PART** and **DENIED IN PART**. Plaintiff's motion is granted as to the unconstitutionality of the M.C.L. § 168.957 requirements that (1) recall petition circulators be registered to vote, and that (2) recall petition circulators be residents of the legislative district of the official to be recalled. Plaintiff's motion is denied as to the Court ordering that the recall election against Representative Dillon be placed on the November 4, 2008, general election ballot.

**IT IS FURTHER ORDERED** that Defendant Terri Lynn Land, as Michigan's Secretary of State, **SHALL** re-examine the petitions filed seeking a recall election against Representative Dillon of Michigan's 17th House District **WITHOUT** consideration of the M.C.L. § 168.957 requirements that (1) recall petition circulators be registered to vote, and that (2) recall petition circulators be residents of the legislative district of the official to be recalled. If upon such re-examination Defendant determines that the required 8,724 valid signatures were gathered, then Defendant **SHALL** place the recall against Representative Dillon on the November 4, 2008, general election ballot.

Dated: August 27, 2008

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
UNITED STATES DISTRICT JUDGE