

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

COALITION TO DEFEND AFFIRMATIVE ACTION, *et al.*,

Plaintiffs,

v.

JENNIFER GRANHOLM, REGENTS OF THE
UNIVERSITY OF MICHIGAN, BOARD OF
TRUSTEES OF MICHIGAN STATE UNIVERSITY,
BOARD OF GOVERNORS OF WAYNE STATE
UNIVERSITY, MICHAEL COX, ERIC RUSSELL,
and the TRUSTEES OF any other public college or
university, community college or school district,

Defendants.

- and -

CHASE CANTRELL, *et al.*,

Plaintiffs,

v.

JENNIFER GRANHOLM, in her Official Capacity
as Governor of the State of Michigan,

Defendant.

Case No. 06-15024
Hon. David M. Lawson

CONSOLIDATED CASES

Case No. 06-15637
Hon. David M. Lawson

**MOTION FOR SUMMARY JUDGMENT
AS TO INTERVENOR-DEFENDANT ERIC RUSSELL**

Plaintiffs Chase Cantrell, et al. (the “Cantrell Plaintiffs”) respectfully
move for this Court to enter summary judgment against intervening defendant Eric
Russell. The undisputed facts revealed in discovery show that Mr. Russell has no

remaining legal interest in this case and, as a matter of law, is no longer entitled to participate in the subject matter of this litigation. In support of this motion, the Cantrell Plaintiffs submit the accompanying brief and Exhibits A through U in support thereof.

Pursuant to Eastern District of Michigan Local Rule 7.1, movants have conferred with counsel for all parties via email. The University Defendants and the Coalition Plaintiffs consent to the relief sought in this motion. The Attorney General takes no position respecting the relief sought in this motion. Intervenor-Defendant Eric Russell opposes this motion.

**MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR SUMMARY
JUDGMENT AS TO INTERVENOR-DEFENDANT ERIC RUSSELL**

Issue Presented

- I. Should the Court enter summary judgment against Eric Russell pursuant to Federal Rule of Civil Procedure 56?

Controlling Authority

Fed. R. Civ. P. 56.

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Preliminary Statement

On December 27, 2006, this Court granted Eric Russell's motion to intervene in this consolidated litigation. Mr. Russell's sole justification for injecting himself into this lawsuit — and the Court's basis for granting him intervenor status — was to protect his unique, personal interest in having his application to the University of Michigan Law School decided with the newly-enacted Proposal 2 in effect. That is exactly what happened: in early 2007, Mr. Russell was rejected by the University of Michigan Law School, which had implemented Proposal 2 in full.

With that decision made, Mr. Russell has no remaining interest in this lawsuit. Discovery has shown indisputably that his application status will not change regardless of the outcome of this litigation. Nor will any application for financial aid or transfer depend on whether Proposal 2 remains in effect. And Mr. Russell himself has dismissed his interlocutory appeal in this action as moot. As such, Mr. Russell is merely an "interested bystander" whose interest is fully protected by the vigorous defense being mounted by the Attorney General. Because Mr. Russell's legal interest has expired, summary judgment should be entered against him. Summary judgment is particularly appropriate now, before other dispositive motions and trial, because Mr. Russell's continued participation needlessly undermines the efficient resolution of this lawsuit, which is being fully and adequately defended by Attorney General Cox.

Statement of Facts

As this Court is by now well aware, this case presents a constitutional challenge to Proposal 06-2 (“Proposal 2”).¹ Eric Russell is a white student who applied to the University of Michigan Law School and Wayne State Law School during the 2006-2007 admissions cycle. On December 13, 2006, Mr. Russell was accepted to Wayne State University Law School. (Letter of December 13, 2006 from Linda Fowler Sims, attached as Exhibit B (“Ex. _.”).) On December 18, Mr. Russell sought to intervene in this action for the sole purpose of ensuring that his application to the University of Michigan would be acted upon with Proposal 2 in effect.

In his motion to intervene, and consistently thereafter, Mr. Russell has emphasized that his unique interest in this litigation was his “interest in being treated equally in the admissions process and in maximizing his chances of being admitted.” (Russell & TAFM Br. in Supp. of Mot. to Intervene, Ex. C.) For example, in support of his motion to intervene, Mr. Russell relied on his pending application to distinguish his interest from that of Attorney General Cox, who had previously intervened for the express purpose of presenting “a vigorous defense”² of Proposal 2:

[Attorney General Cox] might have an interest in resolving this dispute by permitting the University Defendants’ current system to continue past December 23, 2006 if [he] obtained some agreement from the University Defendants to move to a non-discriminatory and non-preferential system of admissions thereafter. That resolution, of course, would not do Eric Russell much good at all. His interest is to have a non-discriminatory and non-preferential system instituted right *now*, while his application is under

¹ A complete procedural history is set forth in our prior briefing. (*See, e.g.*, Mot. for Class Certif. and Appointment of Lead Counsel, Ex. A at 3-4).

² (Atty. Gen. Michael A. Cox’s Mot. to Intervene, Ex. D at 7.)

consideration. (Russell & TAFM Br. in Supp. of Mot. to Intervene, Ex. C at 10 (emphasis in original).)

Similarly, shortly after filing his motion to intervene, Mr. Russell requested emergency relief to protect him from having “his application to the University of Michigan School of Law [] treated unequally as a consequence of his race.” (Emergency Mot. for Expedited Resolution of Prior Mot. to Intervene or a Stay of the Court’s Temporary Injunction, Ex. E at 4.)

In light of Mr. Russell’s time-sensitive circumstances, this Court granted his motion to intervene on December 27, 2006. In doing so, the Court expressly relied on the pendency of Mr. Russell’s application, explaining that his “interest extends beyond those of the citizens and election groups that promoted or opposed the ballot proposal. He seeks the implementation of Proposal 2 *now*, while his application is being processed.” (Op. and Ord. of December 27, 2006 Granting Mot. to Expedite, Granting in Part and Denying in Part Mot. to Intervene, and Striking Mot. to Dismiss, Ex. F at 15 (“Dec. 27 Order”) (emphasis in original).)³

In the months thereafter, Mr. Russell obtained exactly what he sought. On December 29, 2006, after a short-lived temporary injunction, Proposal 2 went into full effect.⁴ In January, the public universities in Michigan, including the University of

³ The Court simultaneously denied motions to intervene by Toward a Fair Michigan (“TAFM”), the American Civil Rights Foundation (“ACRF”), the Michigan Civil Rights Initiative Committee (“MCRI”), and the City of Lansing. (Dec. 27 Order, Ex. F.) Specifically, the Court held that all putative intervening defendants other than Mr. Russell would be adequately represented by Attorney General Cox. The Sixth Circuit has since affirmed. *Coal. to Defend Affirmative Action v. Granholm*, Nos. 06-2653/2656, slip op. at 2 (6th Cir. Sept. 6, 2007) (Ex. G).

⁴ At one time, Mr. Russell was pursuing an appeal of the stipulated injunction in the Sixth Circuit. On August 28, 2007, Mr. Russell voluntarily dismissed that appeal as “moot.” (Appellants’ Mot. for Voluntary Dismissal, Ex. H at 3.)

Michigan Law School, revised their admissions policies to comply with Proposal 2. (University Defs. Responses and Objections to Requests for Admission, Ex. I at RFA No. 48, 53 (“University Defs. RFA No. _”).) Even with the revised policies, Mr. Russell was rejected at the University of Michigan Law School. (Russell RFA Nos. 11, 14, Ex. K; University Defs. RFA Nos. 64, 67, Ex. I; Zearfoss Dep. at 199:20-200:7, Ex. L.)

The parties have now taken substantial discovery concerning law school admissions at the University of Michigan and Wayne State University. Sarah Zearfoss, Assistant Dean and Director of Admissions at the University of Michigan Law School, gave extensive deposition testimony about the admissions process in general and about Mr. Russell’s candidacy in particular. (*See* Zearfoss Dep., Ex. L at 198:14-200:15.) Dean Zearfoss testified that Mr. Russell’s application to the University of Michigan Law School was acted upon after Proposal 2 had been fully implemented, and that race was not a factor in the decision to reject him. (*Id.* at 199:2-200:7.) Dean Zearfoss also described Mr. Russell’s candidacy in detail, emphasizing that the decision to deny him admission was not a “close case” either before or after the implementation of Proposal 2. (*Id.* at 205:15-23.) Moreover, race has never been a factor in processing transfer applications to the University of Michigan, and will not affect Mr. Russell’s eligibility for financial aid at that institution should he one day matriculate there. (*Id.* at 187:17-189:3, 215:19-216:4.) This testimony is undisputed.

Discovery has also established that the outcome of this lawsuit will not affect Mr. Russell’s status at either Wayne State University or the University of Michigan in any way. (University Defs. RFA Nos. 69, 70, Ex. I; Zearfoss Dep., Ex. L at 205:15-23.) For instance, Frank H. Wu, Dean of Wayne State University Law School, testified

that race does not and will not affect membership in student organizations or other law school activities. (Wu Dep., Ex. M at 248:24-249:8.) Dean Wu also testified that race will not affect any financial aid decision made as to Mr. Russell at Wayne State University Law School. (*Id.* at 185:18-186:3.) Again, none of this testimony is disputed.

Thus, Mr. Russell has accomplished all that he sought and no longer has any unique interest in this matter. Notwithstanding the achievement of his individual goal, Mr. Russell has continued to participate in this litigation, consuming valuable deposition and discovery time, often on matters remote from any imaginable individual interest Mr. Russell may have.

Argument

Summary judgment is appropriate where “the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(c); *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986); *Wright v. Murray Guard, Inc.*, 455 F.3d 702 (6th Cir. 2006). Summary judgment may be rendered for or against any claim or party, including intervenors. *See* Fed. R. Civ. P. 56 advisory committee note to 2007 Amendments (observing that “Rule 56 applies to third-party claimants, intervenors, claimants in interpleader, and others”). *See also Morgan v. McDonough*, 726 F.2d 11, 14 (1st Cir. 1984) (affirming dismissal of an intervening parents’ organization after several years of participation in a school-desegregation case, and explaining that “[t]he district court needs the power to dismiss [intervenors] in order to manage complicated drawn-out proceedings efficiently”).

In particular, summary judgment is appropriate where the undisputed facts show that an intervening defendant’s claim or defense is without substance or merit. *See*

Kentucky Educators Public Affairs Council v. Kentucky Registry of Election Finance, 677 F.2d 1125 (6th Cir. 1982) (affirming summary judgment against intervening defendants in challenge to validity of state fair elections law). Indeed, where the circumstances warrant, a district court has the authority to dismiss a party previously granted intervention. *See Morgan v. McDonough*, 726 F.2d at 14.⁵

Here, judgment should be entered against Mr. Russell for at least three reasons. *First*, with his application to the University of Michigan Law School now decided, Mr. Russell lacks any substantial legal interest in this lawsuit. *Second*, any remaining interest Mr. Russell has will be fully and adequately represented by Attorney General Cox. *Third*, Mr. Russell's continued participation in this lawsuit is inefficient and prejudicial to the remaining parties.

I. THE UNDISPUTED FACTS SHOW THAT MR. RUSSELL NO LONGER HAS ANY COGNIZABLE INTEREST IN THIS LAWSUIT.

There is no genuine issue of material fact as to whether Mr. Russell has any remaining interest in this lawsuit: he does not. The sole basis upon which this Court granted Mr. Russell intervenor status was his unique "circumstance" as a current University of Michigan law school applicant:

The circumstances of Eric Russell are different [from those of the other proposed intervenors]. Russell is the only intervenor who has alleged an

⁵ Although an intervenor need not establish the elements required for standing to sue as a plaintiff, he or she is still required to have a "substantial legal interest in the subject matter of the case." *Northland Family Planning Clinic, Inc. v. Cox*, 487 F.3d 323, 343 (6th Cir. 2007). A mere political interest in the enforcement of a law or ideological interest in the outcome of litigation does not suffice. *Providence Baptist Church v. Hillandale Comm., Ltd.*, 425 F.3d 309, 317 (6th Cir. 2005) (explaining that private individuals do not have "the right to compel a state to enforce its laws") (quoting *Diamond v. Charles*, 476 U.S. 54, 65 (1986)). *See also Northland*, 487 F.3d at 345 (holding that a proposed intervenor with "only an ideological interest in the litigation" was not entitled to intervene).

individual interest that may not be taken into account by the present parties. He has alleged a personal stake in seeing that his law school admission chances are not diminished by a narrow construction or invalidation of the amendment. His interest extends beyond those of the citizens and election groups that promoted or opposed the ballot proposal. He seeks the implementation of Proposal 2 *now*, while his application is being processed. The other parties do not represent that position.

(Dec. 27 Order, Ex. F at 15 (emphasis in original).)

The 2006-2007 admissions cycle is over, and the undisputed facts show that Mr. Russell's University of Michigan Law School application was decided under policies conforming with Proposal 2. Moreover, nothing in this litigation — including its outcome — will affect Mr. Russell's status at either Wayne State University Law School (where he is now matriculated) or the University of Michigan Law School (should he someday reapply). These conclusions are supported by uncontroverted testimony from the Director of Admissions at University of Michigan Law School and the Dean of Wayne State University, by the University Defendants' admissions, and by Mr. Russell's own admissions.

First, the University of Michigan Law School's Assistant Dean for Admissions Sarah Zearfoss has testified without contradiction that Mr. Russell's application was decided upon with Proposal 2 in full effect:

“Q. So is it fair to say that Eric Russell's application and the other applications that were placed on hold prior to the application of Proposal 2 were completely re-reviewed under the post-Proposal 2 criteria before a final decision was reached on their application?

A. That's correct.

...

Q. And those criteria did not include race?

A. That's right.”

(Zearfoss Dep., Ex. L at 198:20-200:7.) Dean Zearfoss also testified that Mr. Russell's application for admission was not a "close case" under *either* pre- or post-Proposal 2 criteria, explaining that there were "a lot of" weaknesses in his application. (*Id.* at 200:16-17.)

Indeed, even if Proposal 2 is struck down and Mr. Russell were to someday reapply to the University of Michigan Law School as a transfer student, race would play no role in that application:

“Q. And do the standards that you apply to transfer students currently include race?

A. No.

Q. Did they include race before Proposal 2 was applied and after the time that you came to the University of Michigan?

A. Really, no. On our comment form pre-Prop 2, it showed what someone's race was, so I would have been aware of it if I had looked, but it was not a factor that I ever weighed.

Q. Okay. And would it be a factor that you weighed in the event that Proposal 2 was struck down?

A. No.”

(*Id.* at 188:16-189:3.) In any event, Mr. Russell's stated intention to apply for transfer at the end of his first year of law school *if* his grades are good enough (Russell Dep., Ex. N at 66:11-13) is far too contingent to support his continued participation in this case now.

Mr. Russell's lack of any individual interest in this lawsuit is also supported by the uncontroverted deposition testimony of Frank H. Wu, Dean of Wayne State University Law School. Dean Wu testified that Mr. Russell's status as a Wayne State law student will not be impacted in any way by the outcome of this lawsuit — and more specifically that race does not and will not affect membership in student

organizations or other student activities. (Wu Dep., Ex. M at 248:24-249:8.) As to financial aid, Dean Wu testified that race plays no part in financial aid determinations:

“A. Race will not affect any financial aid decision made as to Eric Russell or any other student at Wayne State University Law School.

Q. Do you have any reason to believe that the answer to that question would be different if Proposal 2 were to be struck down?

A. No, I have no reason to believe that if Proposal 2 were struck down at any point by a court, that any financial aid decision made as to Eric Russell or any other student would turn out differently because of race.”

(*Id.* at 185:18-186:3.)

Second, the University Defendants have further supported this testimony in their responses to Plaintiffs’ Requests for Admission. Specifically, the University Defendants have admitted:

- that Mr. Russell was admitted to Wayne State University Law School (Univ. Defs. RFA No. 67, Ex. I);
- that his “admissions status at Wayne State University Law School will not change, regardless of the outcome of this lawsuit” (*Id.* No. 70);
- that “Eric Russell’s application to the University of Michigan was decided with Proposal 2 in effect” (*Id.* No. 65); and
- that his “admissions status at the University of Michigan Law School will not change, regardless of the outcome of this lawsuit” (*Id.* No. 69).

Third, Mr. Russell himself has admitted — by action and word — that he has no further unique interest. Specifically, he has admitted that he “was notified of the decision on his application to the University of Michigan Law School after Proposal 2 went into effect” (Russell RFA No. 12, Ex. K), that he was accepted at Wayne State University Law School (*Id.* No. 14), and that he “intervened in this litigation for the purpose of ensuring that [Proposal 2] would become effective ‘as soon as possible’ so as

to apply during the 2006-2007 admissions cycle in which his applications were being considered” (*Id.* No. 16).⁶ Moreover, Mr. Russell has admitted that his own appeal of the stipulated injunction is “likely moot.” (*See* Appellants Mot. for Voluntary Dismissal, Ex. H at 3.) Accordingly, he has no remaining interest in the Sixth Circuit proceedings.

Discovery has not produced *any* contrary evidence, much less evidence that raises a genuine issue of material fact. Thus, having no further interest in participating in this lawsuit, summary judgment against Mr. Russell should be granted. *See Morgan*, 726 F.2d at 14.

II. ANY REMAINING INTEREST MR. RUSSELL HAS WILL BE FULLY AND ADEQUATELY REPRESENTED BY ATTORNEY GENERAL COX.

Summary judgment should also be granted because now that his individual objective has been completely satisfied, Mr. Russell is just like any other “bystander” whose only connection to the litigation is an ideological or generalized political interest. That interest, however, is already fully and adequately represented by Attorney General Cox, who intervened in this action for the purpose of vigorously defending the constitutionality of Proposal 2. (Cox. Mot. to Intervene, Ex. D at 6.)

Indeed, this Court has held — and the Sixth Circuit has repeatedly confirmed — that a generalized interest such as Mr. Russell’s is not adequate to justify ongoing participation in the litigation. *Northland*, 487 F.3d at 345-46; *Providence*, 425 F.3d at 316-17; *Coal. to Defend Affirmative Action v. Granholm*, Nos. 06-2653/2656, slip

⁶ Although Mr. Russell denies that this was his “sole or exclusive purpose” (Russell RFA No. 16, Ex. K), he has not — and cannot — enumerate any other purpose distinctive to him as an individual. Moreover, the Court did not base its finding that “the circumstances of Eric Russell are different” from those of TAFM, MCRIC and ACRF on any interest other than his then-pending application to the University of Michigan Law School. (Dec. 27 Order, Ex. F at 15.)

op. at 7-8 (6th Cir. Sept. 6, 2007) (Ex. G). In addition to Mr. Russell and Attorney General Cox, three organizations moved to intervene in this matter in mid-December 2006: MCRIC (the organization that sponsored Proposal 2), ACRF (a California-based anti-affirmative action foundation) and TAFM (an organization formed to sponsor debate on issues related to Proposal 2). Observing that these organizations lacked a unique interest like Mr. Russell's (*see supra* at 7) this Court denied their motions to intervene, holding that their political interests were "precisely aligned with those of the Michigan Attorney General," and that "there [was] little likelihood that their participation would shed any new light on the issues presented." (Dec. 27 Order, Ex. F at 14.) Relying on *Northland*, the Sixth Circuit recently affirmed. *See Coal. to Defend Affirmative Action v. Granholm*, Nos. 06-2653/2656, slip op. (6th Cir. Sept. 6, 2007) (attached as Ex. G).

Like ACRF, MCRIC and TAFM, Mr. Russell's interest is now precisely aligned with that of the Michigan Attorney General in upholding Proposal 2. The Attorney General intervened in this litigation with the announced purpose of ensuring a "vigorous defense" of Proposal 2. (Cox Mot. to Intervene, Ex. D at 6, 11.) As he has himself articulated, the Attorney General "as the state's chief law enforcement officer, has not only a duty to ensure that the laws of the State are followed, but also a duty to defend those laws as enacted . . . by the People of Michigan themselves, when those laws are challenged." (*Id.* at 5-6.)

And the Attorney General has capably fulfilled that role. From his first appearance in this litigation, Attorney General Cox has demonstrated repeatedly his zeal on behalf of Proposal 2. He has contested nearly 90% of Plaintiff's Joint Proposed Stipulation Of Facts. (*See Cox Resp. To Pls. Joint Proposed Stip. of Facts*, Ex. O). He

has — unlike Mr. Russell’s counsel — opposed plaintiffs’ motions for class certification. (*See, e.g.*, Cox. Br. In Resp. To Cantrell Pl.’s Mot. For Class Certif., Ex. P).⁷ Counsel for the Attorney General have also vigorously participated in written and deposition discovery, not only cross-examining witnesses but also vigorously objecting to affirmative testimony.

TAFM, MCRI, and ACRF have already been denied participation in this action because their objectives were identical to the Attorney General’s. Because the undisputed facts show that Mr. Russell is now in precisely the same position, summary judgment should be entered against him.

III. MR. RUSSELL’S CONTINUED PARTICIPATION IN THIS LAWSUIT IS INEFFICIENT AND PREJUDICIAL.

Finally, summary judgment should be entered against Mr. Russell because his continued participation threatens to undermine the efficiency and fairness of this action. With Mr. Russell’s interest now expired, the discovery he is seeking goes far beyond any legitimate purpose. Moreover, with Attorney General Cox already defending Proposal 2, Mr. Russell’s participation is duplicative, at best.

First, the discovery Mr. Russell has sought is far afield of any interest he may have had as a one-time applicant to the University of Michigan Law School. His document requests, for example, seek detailed information about minority matriculants at *medical* schools in the state. (*See* Russell’s Second Set of Doc. Reqs. to the University Defs., Ex. R at Req. No. 4.) Similarly, during the deposition of Robert Ruiz, Dean of the University of Michigan Medical School, counsel for Mr. Russell questioned extensively

⁷ (*Cf.* Def.-Intervenor Eric Russell’s Resp. To The Cantrell Pls.’ Mot. For Class Certif., Ex. Q (consenting to class certification).)

about the statistical validation studies concerning each element of the *medical school* admissions process. (*See, e.g.*, Ruiz Dep., Ex. S at 33:6-37:4.) Most recently — on the last day of fact discovery in this action — Mr. Russell has complicated discovery by moving to compel the production of largely irrelevant categories of documents by the University Defendants. This latest demand includes (among other things) documents relating to post-matriculation academic performance by law and medical school graduates, as well as passing rates on every state’s bar exam and each component of the medical boards. (Def.-Intervenor Eric Russell’s Mot. To Compel Discovery from the University Defs., Ex. T.) Such discovery bears no relation to Mr. Russell’s “unique” interest, and only serves to delay and complicate this case for the remaining parties.

Second, this is an appropriate time to enter judgment against Mr. Russell, before summary judgment briefing and trial on the merits.⁸ The purpose of summary judgment is to narrow and focus the issues for determination by the court. *See* Wright, Miller and Kane, 10B Fed. Prac. & Proc. Civ. 3d § 2737 (citing *Lytle v. Freedom Int’l Carrier, S.A.*, 519 F.2d 129 (6th Cir. 1975)). Having Mr. Russell participate — in addition to the Attorney General — would be needlessly duplicative and potentially prejudicial. For example, to the extent Mr. Russell continues to inject irrelevant fact and expert issues into this case, the parties will waste time and money that could otherwise be devoted to the prompt determination of Proposal 2’s constitutionality. And to the extent

⁸ Under the Court’s Order of July 27, 2007 (Ex. U), dispositive motions are due no later than October 12, 2007. The Coalition Plaintiffs have filed an unopposed motion to extend the deadline for dispositive motions to November 30, 2007, which no party opposes. (*See* Coalition Plaintiffs Unopposed Mot. to Amend the First Supp. Case Mgmt. and Scheduling Ord. to Extend the Dispositive Mot. Cut-Off Date, Ex. J.) The Court has yet to rule on that motion.

Mr. Russell raises issues that are relevant, those will already be amply addressed by the Attorney General. It is unfair to impose on the parties, and this Court, the additional burden of having Mr. Russell — who no longer has any unique interest — participate in the remainder of this action.

Conclusion

For all of the foregoing reasons, the Cantrell Plaintiffs respectfully request that this Court enter summary judgment against Eric Russell.

Dated: October 5, 2007

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

<p>COALITION TO DEFEND AFFIRMATIVE ACTION, et al.,</p> <p style="text-align: right;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>JENNIFER GRANHOLM, et al.,</p> <p style="text-align: right;">Defendants.</p>	<p style="text-align: center;">Case 06-15024 Hon. David M. Lawson</p> <p style="text-align: center;">CONSOLIDATED CASES CERTIFICATE OF SERVICE</p> <p style="text-align: center;">Case 06-15637 Hon. David M. Lawson</p>
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KARIN A. DeMASI hereby certifies the following under the penalty of perjury:

On the 5th day of October, 2007, I filed the foregoing document electronically and it is available for viewing and downloading from the ECF system. Service was accomplished by means of Notice of Electronic Filing upon

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