



Iosco County Democratic Party
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March 29, 2023

President Joe Biden
The White House
1600 Pennsylvania Ave. N.W.
Washington D.C, 20500

Re: Intervention in 6th Circuit appeal of State of Michigan on removal decision of Judge Neff (Western District of Michigan).

Dear Mr. President,

This is an update from our March 16th letter. Please note the total number of county, congressional district, and caucus chairs is now at 44. The purpose of this letter is to urge that the Solicitor General file a friend of the court brief in the 6th Circuit Court of Appeals dealing with the removal decision of Judge Janet Neff in the case of State of Michigan vs. Enbridge. On February 21, 2023, Judge Neff certified the question of permitting an interlocutory appeal by the State of Michigan. This matter thus deserves urgent review at the highest levels.

Judge Neff's removal decision of 08/18/2022 ignored the clear 30-day statutory limitation on removal of state litigation to federal court, set forth in USC Section 28 USC 1446(b). The underlying complaint filed by Michigan Attorney General Dana Nessel in state court, claimed that the 1953 Easement (permitting Line 5 to use the State bottomlands at the Straits of Mackinac) failed to consider the State's public trust doctrine. That fact is not in dispute.

In a letter dated 01/15/2023, Michigan Democratic Party Chair Lavora Barnes requested that you declare a climate emergency and cancel the permits authorizing Enbridge Line 5 to cross the US/Canadian border. We believe that the imminent risk of a devastating oil pipeline spill in the Great Lakes justifies Presidential intervention. However, the recent decision of Judge Neff means that the 6th Circuit will be considering which court should decide the issue - after three years of dangerous delay just on jurisdiction! State court Judge Jamo had cross motions for summary disposition pending at the time of Enbridge's meritless removal to federal court.

Returning that case now to state court – where Enbridge had been litigating the public trust doctrine matter for well over a year – may be the best alternative for final resolution of this most important matter.

President Biden, we urge that you ask all concerned federal agencies to consider intervening in this removal appeal.

Sincerely,

James Mortimer
Campaign Committee Chair

Michigan Democratic Party

County, Congressional District, and Caucus Chair Signers

Joe Lukasiewicz, Alcona County
Helen Goyings, Allegan County
Linda Ayers, Alpena County
Veronica Welter, Antrim County
Gail Schmidt, Arenac County
Christina Bush, Barry County
Jim Dulzo, Benzie County
Amy Scrima, Berrien County
Linda Pell, Calhoun County
Naomi Ludman, Cass County
Joanne Cromley, Cheboygan County
Allison Youngs, Chippewa County
Mike Hinterman, Emmett County
Michael Fields, Gladwin County
Jeff Cooley, Hillsdale County
William Keith, Houghton County
Charles Henry, Huron County
Lynn Mason, Ionia County
Carole Bleau, Iosco County
Lisa Powell, Iron County
Cathy Willerment, Isabella County
Amador Ybarra, Jackson County

Gary Bull, Kalkaska County
Sandy Clarke, Lake County
Anissa Buffin, Lapeer County
Brigid Hart, Leelanau County
Bill Swift, Lenawee County
Judy Daubenmier, Livingston County
Jennie Hoffman, Mackinac County
Alysa Diebolt, Macomb County
John Helge, Manistee County
Leif Davis-Williams, Missaukee County
Justin Johnson, Montcalm, County
Dallas Dean, Newaygo County
Anthony Bash, Ogemaw County
Patricia Morscheck, Otsego County
Tim Smith, Ottawa County
David Tavidian, Presque Isle County
Deborah Parker, Tuscola County
Theresa Reid, Washtenaw County
Amanda Siggins, Wexford County
Mary Minnick, Second District
Cathy Albro, Rural Caucus
Wesley Watson, Environmental Caucus

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Pete Buttigieg
Secretary of State, Antony Blinken
Secretary of the Interior, Deb Haaland
Secretary of Energy, Jennifer Granholm
Administrator of the Environmental
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