



IOSCO COUNTY
DEMOCRATIC PARTY

March 29, 2023

Iosco County Democratic Party 224 Newman
St. East Tawas, MI 48730
ioscocoountydems@gmail.com

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

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