

**UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROBERT DASCOLA,

Plaintiff,

vs.

Case No. 2:14-cv-11296-LPZ-RSW
Hon. Lawrence P. Zatkoff
Magistrate Judge R. Steven Whalen

CITY OF ANN ARBOR and
JACQUELINE BEAUDRY,
ANN ARBOR CITY CLERK,

Defendants,

and

SECRETARY OF STATE RUTH
JOHNSON,

Intervenor-Defendant.

ORDER TO SHOW CAUSE

On May 20, 2014, this Court entered judgment in favor of Plaintiff [dkt. 26].

Specifically, the Court's May 20, 2014, Judgment stated:

IT IS HEREBY ORDERED that Defendants are permanently enjoined from taking any action to enforce the provisions of Section 12.2 of the Charter of the City of Ann Arbor which were declared unconstitutional and void in *Daniel J. Feld, et al v. City of Ann Arbor and Harold Summers*, File No. 37342 (E.D. Mich. 1972) and *Human Rights Party, et al v. City of Ann Arbor, et al*, File No. 37852 (E.D. Mich. 1972) prior to re-enactment.

IT IS FURTHER ORDERED that Plaintiff's request for Writ of Mandamus is GRANTED.

IT IS FURTHER ORDERED that Defendants must accept and process any nominating petitions submitted by Plaintiff and determine his eligibility

without regard to the voided provisions of Section 12.2 of the Charter of the City of Ann Arbor.

Despite this clear instruction from the Court, Defendants failed to correctly accept and process Plaintiff's nominating petition. The Court finds this failure strikes at the very heart of the Court's May 20, 2014, Order and Opinion granting Plaintiff's requested relief. This failure demonstrates a continued history of Defendants inability to follow federal court orders; indeed, the very nature of the underlying claim centered on Defendants absolute refusal to comply with federal court orders finding sections of the Ann Arbor City Charter unconstitutional and void.

Further, the Court has reviewed Defendants' explanation as to how this failure occurred and found it wanting. Defendants are ready to assign blame for this failure to computer programmers, vendors, and various municipal agencies, yet never acknowledge or take any responsibility. Defendants' explanation completely ignores the responsibility levied upon them by this Court's May 20, 2014, Opinion and Order. Further, Defendants admit that the office of Defendant City Clerk individually placed 392 inaccurate ballots into envelopes prior to delivery. Yet Defendants provide absolutely no explanation why Defendants failed to review any of the 392 absentee ballots prior to placing them in envelopes.

"A court of the United States shall have the power to punish by fine . . . at its discretion, such contempt of its authority, and none other, as . . . [d]isobedience or resistance to its lawful writ, process, order, rule, decree, or command." 18 U.S.C. § 401. "Civil contempt sanctions are designed to enforce compliance with court orders and to compensate injured parties for losses sustained." *Downey v. Clauder*, 30 F.3d 681, 685 (1994).

Therefore, with the aforementioned failures in mind, the Court hereby ORDERS Defendants to SHOW CAUSE, in writing, no later than 5:00 p.m. on July 23, 2014, why this Court should not find Defendants in contempt of court for failing to adhere to the Court's May

20, 2014, Opinion and Order and Judgment and for failing to inspect the Third Ward absentee primary ballots prior to delivery. Defendants' response to the Order to Show Cause shall contain specific and accurate legal support, including pinpoint citations to authority relied upon, and shall be limited to ten pages and comply with E.D. Mich. L.R. 5.1.

IT IS SO ORDERED.

Date: July 16, 2014

S/Lawrence P. Zatkoff
HON. LAWRENCE P. ZATKOFF
U.S. DISTRICT COURT