

**STATE OF MICHIGAN  
IN THE COURT OF CLAIMS**

CASSANDRA ANDERSON,  
GARRETT DEWYSE, RYAN  
DURUSSEL, MELISSA DURUSSEL,  
ERIC OSTERGREN, PATRICK  
KIESSEL, and THOMAS ROY,  
Plaintiffs,

Case No.: 25-\_\_\_\_\_-MZ  
Honorable \_\_\_\_\_

**VERIFIED COMPLAINT**

v.

GRETCHEN WHITMER, in her official  
capacity as Governor of the State of  
Michigan,  
Defendant

\_\_\_\_\_/

OUTSIDE LEGAL COUNSEL PLC  
PHILIP L. ELLISON (P74117)  
Attorney for Plaintiffs  
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Hemlock, MI 48626  
(989) 642-0055  
pellison@olcplc.com

**VERIFIED COMPLAINT FOR ISSUANCE OF WRIT OF MANDAMUS  
AND FOR DECLARATORY AND INJUNCTIVE RELIEF TO  
PROTECT THE INTERESTS OF THE CITIZENS OF  
MICHIGAN'S 35TH STATE SENATE DISTRICT**

1. This action seeks an extraordinary writ of mandamus compelling the Governor of Michigan to perform a clear, nondiscretionary constitutional duty: to issue a writ of election to fill the vacancy in the 35th Michigan Senate District.

2. Article V, § 13 of the Michigan Constitution provides in unambiguous terms: "The governor shall issue writs of election to fill vacancies in the senate or house of representatives."

3. In a democratic republic, the absence of representation is not a mere inconvenience — it is a denial of one of the most fundamental political rights. Every legislative day that passes without a senator from District 35 silences an entire community in the lawmaking process.

4. The vacancy in the 35th Senate District has persisted since January 3, 2025, when the then elected senator resigned to assume a seat in the United States House of Representatives.

5. For over 200 days, news reports confirm that roughly 270,000 residents have been denied representation in the Michigan Senate.

6. This Court has both the authority and the responsibility to enforce the Constitution by ordering the Governor to perform her duty without further delay.

### **PARTIES**

7. Plaintiffs each individually confirm that he or she is a registered voter and resident of the 35th Michigan Senate District, which includes portions of Bay, Midland, and Saginaw Counties—



8. Defendant Gretchen Whitmer is the Governor of Michigan, the sole constitutional officer charged with issuing writs of election to fill legislative vacancies.

## **JURISDICTION**

9. Jurisdiction is proper in this Court pursuant to MCL 600.6419(1)(a), MCR 3.305(A)(1), and the Michigan Constitution because Plaintiffs seek relief against a state officer for failure to perform a nondiscretionary constitutional duty.

## **GENERAL ALLEGATIONS**

10. The Michigan Constitution declares and affirms in Article I, § 1 that “All political power is inherent in the people.”

11. In a representative democracy, that power is exercised through elected officials who speak, deliberate, and vote on behalf of their constituents.

12. When a state legislative district is left without representation, its citizens are effectively disenfranchised in ongoing legislative debates, policy decisions, and votes.

13. This disenfranchisement is not speculative — it is occurring daily as the Michigan Senate takes up matters directly affecting District 35’s residents, including taxation, local funding, education policy, public safety, and infrastructure (just to name a few).

14. The deprivation of representation undermines public trust, violates constitutional guarantees, and erodes the legitimacy of enacted laws.

15. On January 3, 2025, Senator Kristen McDonald Rivet vacated her seat representing Michigan’s 35th Senate District to assume a seat in the United States House of Representatives.

16. Since that date, the district’s seat has remained vacant, depriving the district’s residents of their elected voice in the Michigan Senate.

17. Defendant Gretchen Whitmer has not issued a writ of election to fill this vacancy, despite the clear and mandatory requirement of Article V, § 13.

18. The 103rd Michigan Legislature has been in active session during this period, enacting laws and appropriations without the participation of a senator from District 35.

19. Attempts to legislatively impose deadlines on the Governor's issuance of writs of election have failed or been vetoed, leaving judicial relief as the only remedy.

**COUNT I  
WRIT OF MANDAMUS**

20. Plaintiffs incorporate the preceding paragraphs.

21. To obtain a writ of mandamus, a plaintiff must show: (a) a clear legal right to performance of the duty; (b) a clear legal duty by the defendant; (c) the act is ministerial, not discretionary; and (d) no other adequate legal remedy exists.

22. Plaintiffs (and all residents of District 35) have a constitutional right to representation in the Michigan Senate, which can only be restored through a special election.

23. Article V, § 13 states the Governor "shall" issue writs of election to fill legislative vacancies — leaving no room for discretion.

24. The Governor's role is purely procedural — to issue the writ — and she has no authority to indefinitely delay or withhold it.

25. Judicial intervention can restore timely representation.

**COUNT II  
VIOLATION OF ARTICLE V, § 13  
(DECLARATORY AND INJUNCTIVE RELIEF)**

26. Plaintiffs incorporate the preceding paragraphs.

27. Defendant Gretchen Whitmer's failure to issue a writ of election violates Article V, § 13 of the Michigan Constitution.

28. Plaintiffs seek a declaratory judgment affirming that the Governor's ongoing inaction is unconstitutional.

29. Plaintiffs seek a mandatory injunction requiring Defendant Gretchen Whitmer to immediately issue the writ of election and otherwise set an election schedule that will fill the vacancy at the earliest practicable time.

30. Without such relief, Plaintiffs and the public will continue to suffer irreparable harm from the absence of legislative representation.

### **RELIEF REQUESTED**

31. WHEREFORE, Plaintiffs respectfully request that this Court:

- a. Expedite this matter as a matter of high constitutional importance;
- b. Issue a writ of mandamus compelling Governor Gretchen Whitmer to issue a writ of election for the 35th State Senate District within seven (7) days of the Court's issued order or writ;
- c. Enter a declaratory judgment that Governor Gretchen Whitmer's failure to issue a writ of election violates Article V, § 13 of the Michigan Constitution;
- d. Enter a mandatory injunction requiring Governor Gretchen Whitmer issue a writ of election and otherwise direct the scheduling of a special election to fill the vacancy at the earliest practicable time;
- e. Award all attorney fees, costs, and any other relief this Court deems just and proper.

**VERIFICATION**

I am a resident and registered voter of Michigan's 35th State Senate District.

I declare under the penalties of perjury that this document has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date: 8/9/2025

Cassandra Anderson  
Cassandra Anderson

Signed and sworn to before me, this 9<sup>th</sup> day of Augst, 2025 by Cassandra Anderson.

Notary's Signature: Philip L. Ellison

Notary's Name: Philip L. Ellison

( SEAL )  
if required

Notary Public, Saginaw County, State of Michigan

Acting in County of Bay, Michigan

My commission expires: October 8, 2029

**VERIFICATION**

I am a resident and registered voter of Michigan's 35th State Senate District.

I declare under the penalties of perjury that this document has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date: 8-9-2025 Garrett Dewyse  
Garrett Dewyse

Signed and sworn to before me, this 9<sup>th</sup> day of Augst, 2025 by Garrett Dewyse.

Notary's Signature: Philip L. Ellison

Notary's Name: Philip L. Ellison (SEAL)  
if required

Notary Public, Saginaw County, State of Michigan

Acting in County of Saginaw, Michigan

My commission expires: October 8, 2029

**VERIFICATION**

I am a resident and registered voter of Michigan's 35th State Senate District.

I declare under the penalties of perjury that this document has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date: 8/9/2025 *Ryan DuRussel*  
Ryan DuRussel

Signed and sworn to before me, this 9<sup>th</sup> day of Augst, 2025 by Ryan DuRussel.

Notary's Signature: *Philip L. Ellison*

Notary's Name: Philip L. Ellison

( SEAL )  
if required

Notary Public, Saginaw County, State of Michigan

Acting in County of Saginaw, Michigan

My commission expires: October 8, 2029

**VERIFICATION**

I am a resident and registered voter of Michigan's 35th State Senate District.

I declare under the penalties of perjury that this document has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date: Aug 9, 2025 Melissa DuRussel  
Melissa DuRussel

Signed and sworn to before me, this 9<sup>th</sup> day of Augst, 2025 by Melissa DuRussel.

Notary's Signature: Philip L. Ellison

Notary's Name: Philip L. Ellison (SEAL)  
if required

Notary Public, Saginaw County, State of Michigan

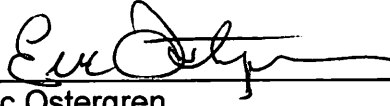
Acting in County of Saginaw, Michigan

My commission expires: October 8, 2029

VERIFICATION

I declare under the penalties of perjury that this document has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Executed on 8-9-25

  
Eric Ostergren

Signed and sworn to before me, this 9<sup>th</sup> day of August, 2025 by Eric Ostergren.

Notary's Signature: 

Notary's Name: Philip L. Ellison

( SEAL )  
if required

Notary Public, Saginaw County, State of Michigan

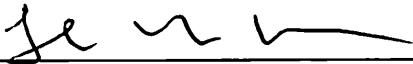
Acting in County of Gladwin, Michigan

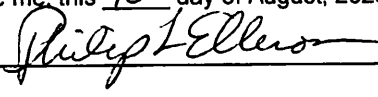
My commission expires: 10/8/2029

**VERIFICATION**

I am a resident and registered voter of Michigan's 35th State Senate District.

I declare under the penalties of perjury that this document has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date: 8-10-25   
Thomas Roy

Signed and sworn to before me, this 10<sup>th</sup> day of August, 2025 by Thomas Roy.  
Notary's Signature:   
Notary's Name: Philip L. Ellison (SEAL)  
Notary Public, Saginaw County, State of Michigan if required  
Acting in County of Saginaw, Michigan  
My commission expires: October 8, 2029

OUTSIDE LEGAL COUNSEL PLC  
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Document received by the MI Court of Claims.

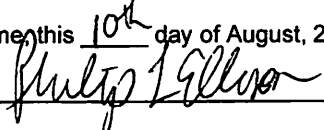
**VERIFICATION**

I am a resident and registered voter of Michigan's 35th State Senate District.

I declare under the penalties of perjury that this document has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date: 8/10/2025

  
Patrick Kiessel

Signed and sworn to before me this <u>10<sup>th</sup></u> day of August, 2025 by Patrick Kiessel.	
Notary's Signature:	<u></u>
Notary's Name:	<u>Philip L. Ellison</u> (SEAL) if required
Notary Public, Saginaw County, State of Michigan	
Acting in County of <u>Midland</u> , Michigan	
My commission expires: October 8, 2029	

Date: August 10, 2025

RESPECTFULLY SUBMITTED:

*Philip L Ellison*

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