

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF ANTRIM**

WILLIAM BAILEY

Plaintiff

Case No. 20-9238-CZ

v.

ANTRIM COUNTY

HON. KEVIN A. ELSENHEIMER

Defendant

SECRETARY OF STATE JOCELYN
BENSON

Intervenor-Defendant,

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**PLAINTIFF'S RESPONSE TO JOINT MOTION FOR SUMMARY DISPOSITION
PURSUANT TO MCR 2.116(C)(4) and (8)**

For the reasons stated herein and in the accompanying brief in opposition, Plaintiff, WILLIAM BAILEY ("Plaintiff"), by and through his attorneys, DePERNO LAW OFFICE, PLLC, respectfully request this Court deny the joint motion for summary disposition pursuant to MCR 2.116(C)(4) and (8) for the reasons set forth herein and in the accompanying brief.

1. Agreed.

2. Denied. The complaint asks for additional equitable relief.

3. Denied. The court granted additional relief not mentioned by Defendants.

4. Denied. Plaintiff has not yet been granted an independent and non-partisan audit to determine the accuracy and integrity of the November 3, 2020 election. To the contrary, Defendants have obstructed discovery, hidden documents, and delayed discovery from the outset. When Plaintiff scheduled an independent and non-partisan audit on for May 5, 6, and 7, 2021, Defendants again obstructed and filed yet another of their many motions to stop and delay discovery in order to hide the truth that the election was fraudulent and that Sheryl Guy ("Guy") and Jocelyn Benson ("Benson") committed fraud by telling the citizens of Antrim County, the State of Michigan, and the world that this was the safest election in history. Indeed, Guy and Benson worked in unison with Election Source to rig the election by manipulating the Dominion Voting System and altering data to transfer votes from Donald Trump to Joseph Biden. By committing fraud on citizens of Antrim County and the State of Michigan, the results of the Antrim County election must be decertified. Indeed, the United States Supreme Court ruled in the landmark case *United States v Throckmorton*, 98 US 61 (1878) that "fraud vitiates everything." See also *Boyce's Executors v Grundy*, 28 US 210 (1830); *Nudd v Burrows*, 91 US 416 (1875). *Grigg v Hanna*, 283 Mich 443, 278 NW 125 (1938). Further, "[a]ssuming that [a] transaction ought not to have taken place, the court proceeds as though it had not taken place, and returns the parties to that situation." *Roek v Board of Educ of Chippewa Valley School Dist*, 430 Mich 314, 422 NW2d 680 (1988), quoting *Herpolsheimer v Herpolsheimer Realty Co*, 344 Mich 657, 666, 75 NW2d 333 (1956), quoting 3 Pomeroy, *Equity Jurisprudence* (5th ed), § 910, p. 578.

5. Denied.

6. Denied. Further, Benson has not conducted an audit.
7. Denied.
8. Denied.
9. Denied.
10. Denied.
11. Denied.
12. Denied.

WHEREFORE, for the reasons stated herein and in the accompanying brief, Plaintiff respectfully requests this Court deny Defendants' joint motion for summary disposition.

Respectfully submitted

DePERNO LAW OFFICE, PLLC

Dated: May 3, 2021

/s/ Matthew S. DePerno

Matthew S. DePerno (P52622)

Attorney for Plaintiff