

IN THE STATE OF MICHIGAN  
COURT OF CLAIMS

MARENISCO TOWNSHIP and  
RICHARD BOUVETTE,

Plaintiffs,

No. 18-000200-MZ

v.

HON. STEPHEN BORRELLO

HEIDI E. WASHINGTON and  
MICHIGAN DEPARTMENT OF  
CORRECTIONS,

Defendants.

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**DEFENDANTS HEIDI E. WASHINGTON AND MICHIGAN DEPARTMENT  
OF CORRECTIONS' OCTOBER 1, 2018 MOTION FOR SUMMARY  
DISPOSITION UNDER MCR 2.116(C)(8)**

Defendants Michigan Department of Corrections ("MDOC") and Heidi Washington, by counsel, move this Honorable Court for summary disposition under MCR 2.116(C)(8), and respectfully request that Plaintiffs' complaint be dismissed in its entirety.

Plaintiffs Marenisco Township and Richard Bouvette bring this action against MDOC and Washington, the Director of MDOC, to prevent the closure of the Ojibway Correctional Facility (“OCF”) based on a provision of Public Act 207 of 2018, Michigan’s appropriations bill for fiscal year 2018-2019. Plaintiffs also claim that Defendants violated Bouvette’s rights to due process by not providing notice and an opportunity to be heard. Plaintiffs’ complaint should be dismissed because they fail to state a claim on which relief can be granted. Plaintiffs lack standing to bring an action under the appropriations bill, and no protected interests are at stake for which procedural due process is due. Furthermore, injunctive relief preventing the closure of OCF would contravene the separation of powers and political question doctrines. Finally, Plaintiffs are not entitled to a preliminary injunction because they have not demonstrated a likelihood of success on the merits, and because an injunction would harm the public interest, and the balance of harms to Defendants weighs against an injunction.

In further support of this motion, Defendants rely on the facts, law and argument more fully developed in the attached brief in support.

Defendants MDOC and Washington respectfully request that this Court grant them summary disposition under MCR 2.116(C)(8) and that Plaintiffs’ complaint be dismissed in its entirety.

Respectfully submitted,

BILL SCHUETTE  
Attorney General



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**BRIEF IN SUPPORT OF DEFENDANTS HEIDI E. WASHINGTON AND  
MICHIGAN DEPARTMENT OF CORRECTIONS' OCTOBER 1, 2018  
MOTION FOR SUMMARY DISPOSITION UNDER MCR 2.116(C)(8)**

**INTRODUCTION**

Plaintiffs Marenisco Township and Richard Bouvette bring this lawsuit against the Michigan Department of Corrections ("MDOC") and Heidi Washington, the Director of MDOC, to prevent the closure of the Ojibway Correctional Facility ("OCF"). Plaintiffs seek a preliminary injunction to enjoin the process of relocating

inmates, corrections officers, and other staff, and declaratory judgment that Defendants violated Public Act 207 of 2018, the appropriations bill for fiscal year 2018-2019, by allegedly failing to consider the impact of the closure of OCF on the local community. Plaintiffs also claim that Defendants violated Bouvette's right to due process by allegedly not affording adequate notice and an opportunity to be heard regarding the decision to close OCF. Because Plaintiffs fail to state a claim on which relief can be granted, this Court should grant summary disposition and dismiss Plaintiffs' complaint with prejudice.

#### **STATEMENT OF FACTS<sup>1</sup>**

Michigan Public Act 207 of 2018 went into effect on June 21, 2018. The bill provided appropriations for state departments and agencies, the judicial branch, and the legislative branch for fiscal year 2018-2019. The Michigan Legislature specifically provided for a correctional facility closure, at a savings of \$19,201,100. Public Act 207 also provided for certain conditions on appropriations. Section 944 of 2018 PA 207, states:

When the department is planning to close a correctional facility, the department shall fully consider the potential economic impact of the prison closure on the community where the facility is located. The department, when weighing all factors related to the closure of a facility, shall also consider the impact on the local community where the facility to be closed is located.

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<sup>1</sup> For purposes of this motion for summary disposition, Defendants take Plaintiffs' well-pled factual allegations as true. Defendants assert that they fully considered the impact of the closure of OCF on Marenisco Township and that they complied with Section 944 of Public Act 207 of 2018.

Plaintiffs allege that during the summer of 2018, Bouvette, the Supervisor of Marenisco Township, “became aware of reports that the Department was considering closing one of four of its correctional facilities in order to save approximately \$20,000,000 per year.” (Compl. ¶ 20). Plaintiffs assert that OCF, a correctional facility located in Marenisco Township, Gogebic County, Michigan, was being considered for closure in addition to Newberry Correctional Facility and two other correctional facilities. (Compl. ¶ 21). On August 14, 2018, Defendants announced that OCF would cease operations on December 1, 2018. (Compl. ¶ 23). This closure decision was made based on the funds appropriated to MDOC in Public Act 207 of 2018—namely, that a correctional facility must be closed due to a reduction in funds of \$19,201,100. Plaintiffs claim that “[n]either the Director nor the Department contacted Marenisco or Bouvette concerning the possible closure of [OCF] at any time before August 14, 2018.” (Compl. ¶ 22).

On September 14, 2018, Marenisco Township and Richard Bouvette, the Supervisor of Marenisco Township, filed this suit against MDOC and Washington, the Director of MDOC, seeking to prevent the closure of OCF. The same day, Plaintiffs filed a motion for a temporary restraining order enjoining MDOC and Washington from “from issuing layoff notices, transferring prisoners out of [OCF], transferring corrections officers and staff out of [OCF], closing housing units, or taking any other action in furtherance of the closure of the [OCF].” Plaintiffs also requested that the Court issue a show cause order for a preliminary injunction. On September 17, 2018, the Court denied Plaintiffs’ motion for a TRO, finding that

Plaintiffs “have failed to meet their burden under MCR 3.310(B) for the issuance of a Temporary Restraining Order (TRO)” and that “Plaintiffs have not provided this Court with an adequate legal basis for the issuance of a TRO.” (September 17, 2018 Opinion and Order).

The Court also granted Plaintiffs’ motion to expedite, providing for the schedule of this case:

The following shall constitute the scheduling order for this matter: Defendants shall file an answer within fourteen days of the date of this order. Plaintiffs shall then have 5 days from that date, if necessary, to file a rebuttal. Defendants shall have 3 days from that date, if necessary, to file their final rebuttal. The matter shall then be considered submitted.

(September 17, 2018 Opinion and Order). The Court further mandated that “[a]ll other relief requested by plaintiff is held in ABEYANCE pending submission of papers from the parties as outlined above. Plaintiffs’ motion for oral argument is also held in abeyance until the Court has all of the parties’ pleadings.” (September 17, 2018 Opinion and Order). On September 26, 2018, the Court stayed all discovery “pending submission of the materials set forth in this Court’s opinion and order of September 17, 2018.” (September 26, 2018 Order).

### **SUMMARY OF ARGUMENT**

Plaintiffs bring this action to prevent the closure of OCF based on a provision of Public Act 207 of 2018, Michigan’s appropriations bill for fiscal year 2018-2019. Plaintiffs also claim that Defendants violated Bouvette’s rights to due process by not providing notice and an opportunity to be heard. Plaintiffs’ complaint should be dismissed because they fail to state a claim on which relief can

be granted. Plaintiffs lack standing to bring an action under the appropriations bill, and no protected interests are at stake for which procedural due process is due. Furthermore, injunctive relief preventing the closure of OCF would contravene the separation of powers and political question doctrines. Finally, Plaintiffs are not entitled to a preliminary injunction because they have not demonstrated a likelihood of success on the merits, and because an injunction would harm the public interest, and the balance of harms to Defendants weighs against an injunction. This Court should grant summary disposition and dismiss Plaintiffs' complaint with prejudice.

#### STANDARD OF REVIEW

MCR 2.116(C)(8) provides that summary disposition should be granted when the opposing party has failed to state a claim on which relief can be granted. "A motion under MCR 2.116(C)(8) tests the legal sufficiency of the claim on the pleadings alone to determine whether the plaintiff has stated a claim on which relief may be granted." *Maple Grove Twp v Misteguay Creek Intercounty Drain Bd*, 298 Mich App 200, 206 (2012) (quotation and citation omitted). "When deciding a motion under MCR 2.116(C)(8), the court must accept as true all factual allegations contained in the complaint." *Bailey v Schaaf*, 494 Mich 595, 603 (2013), citing *Simko v. Blake*, 448 Mich 648, 654 (1995).

## ARGUMENT

### **I. Plaintiffs lack standing to seek declaratory relief because Public Act 207 of 2018 does not provide Plaintiffs with a private right of action.**

Under Count I, Plaintiffs request that the Court grant them declaratory judgment that:

a. the Director's and the Department's announced decision announced on August 14, 2018, to close [OCF], which is located in Marenisco Township, fails to meet the requirements of Section 944 of Public Act 207 of 2018, because the decision did not meet Michigan law's mandatory requirement that "when planning to close a correctional facility, the [Department] shall fully consider the potential economic impact of the prison closure on the community where the facility is located," and the Director and the Department should therefore be enjoined;" [sic] or, alternatively,

b. the Director's and the Department's announced decision to close [OCF] fails to meet the requirements of PA 207 because it did not meet Michigan law's requirement that the Department, "when weighing all factors related to the closure of a facility, shall also consider the impact on the local community where the facility to be closed is located," and

c. in either case, the Director and the Department should be permanently enjoined from implementing [OCF] and should instead reverse course to keep [OCF] open.

(Compl. ¶ 2). "In a case of actual controversy within its jurisdiction, a Michigan court of record may declare the rights and other legal relations of an interested party seeking a declaratory judgment, whether or not other relief is or could be sought or granted." MCR 2.605(A)(1).

The Michigan Supreme Court has articulated Michigan's standing doctrine, particularly with respect to declaratory judgments:

[A] litigant has standing whenever there is a legal cause of action. Further, whenever a litigant meets the requirements of MCR 2.605, it is sufficient to establish standing to seek a declaratory judgment.

Where a cause of action is not provided at law, then a court should, in its discretion, determine whether a litigant has standing. A litigant may have standing in this context if the litigant has a special injury or right, or substantial interest, that will be detrimentally affected in a manner different from the citizenry at large or if the statutory scheme implies that the Legislature intended to confer standing on the litigant.

*Lansing Sch Educ Ass'n v Lansing Bd of Educ*, 487 Mich 349, 372 (2010).

Here, Plaintiffs challenge Defendants' conformity with a provision in Michigan's appropriations bill for fiscal year 2018-2019. Section 944 of 2018 PA 207 states:

When the department is planning to close a correctional facility, the department shall fully consider the potential economic impact of the prison closure on the community where the facility is located. The department, when weighing all factors related to the closure of a facility, shall also consider the impact on the local community where the facility to be closed is located.

Nowhere in 2018 PA 207 does the Legislature create a private right of action for citizens to file lawsuits over noncompliance. Furthermore, Plaintiffs have not shown that they have a special injury or right that will be detrimentally affected in a manner different from the citizenry at large. All Michigan citizens have an interest in state agencies complying with the law. Additionally, all communities where correctional facilities are located have a common interest in ensuring that MDOC consider the potential impact a closure would have on those communities. Here, because Plaintiffs do not have special interests different from the citizenry at large, they lack standing. *Lansing Bd of Educ*, 487 Mich at 372; *Cty Rd Ass'n of Michigan v Governor*, 287 Mich App 95, 105–06 (2010) (“[A] party must

demonstrate an interest in the litigation that is distinct from that of the general public.”).

Moreover, Plaintiffs’ well-pled allegations, even taken as true, fail to establish that Defendants violated Section 944 of 2018 PA 207. Plaintiffs allege that “[n]either the Director nor the Department contacted Marenisco or Bouvette concerning the possible closure of [OCF] at any time before August 14, 2018.” (Compl. ¶ 22). Section 944 simply does not mandate that MDOC take such action. Section 944 directs MDOC to “fully consider the potential economic impact of the prison closure on the community where the facility is located” and “when weighing all factors related to the closure of a facility, [to] consider the impact on the local community where the facility to be closed is located.” The provision does not specify any particular method by which MDOC must consider the economic impact, or the impact in general, on the community where the correctional facility at issue is located. Defendants could fully comply with Section 944 even without contacting local officials. Because Plaintiffs lack standing to seek declaratory relief, and because they fail to state a claim that Defendants violated Section 944 of 2018 PA 207, Plaintiffs’ Count I should be dismissed.

**II. Plaintiffs have failed to state a claim for procedural due process because no protected interests are implicated.**

The Fourteenth Amendment prohibits the State from depriving an individual of life, liberty, or property without due process of law. U.S. Const. amend. XIV, § 1. Similarly, the Michigan Constitution provides that “[n]o person shall be ... deprived

of life, liberty or property, without due process of law.” Const. 1963, art. 1, § 17. “The due process guarantee of the Michigan Constitution is coextensive with its federal counterpart.” *Grimes v Van Hook-Williams*, 302 Mich App 521, 530 (2013) (citations omitted). Courts “must first ask whether the asserted individual interests are encompassed within the Fourteenth Amendment’s protection of ‘life, liberty or property’; if protected interests are implicated, [courts] then must decide what procedures constitute ‘due process of law.’” *Ingraham v Wright*, 430 US 651, 672 (1977) (citations omitted).

“[A]t a minimum, due process of law requires that deprivation of life, liberty, or property by adjudication must be preceded by notice and an opportunity to be heard.” *Bonner v City of Brighton*, 495 Mich 209, 235 (2014) (citing *Mullane v Central Hanover Bank & Trust Co*, 339 US 306, 313 (1950)). The U.S. Supreme Court has provided a three-factor balancing framework to assess the constitutional adequacy of the procedures used when an individual is entitled to due process:

[I]dentification of the specific dictates of due process generally requires consideration of three distinct factors: First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

*Mathews v Eldridge*, 424 US 319, 335 (1976). However, if no “life, liberty, or property” interests are implicated, “the Due Process Clause affords no protection.” *Bonner*, 495 Mich at 225; see also *Sherwin v Mackie*, 364 Mich 188, 199 (1961) (“Nor

is procedural due process required where there is no interference with life, liberty, or a vested property right.”).

Plaintiffs allege that Bouvette, “as a resident of Marenisco, has a right to and interest in the Defendants complying with the requirements of Section 944 and conducting a thorough and comprehensive consideration of the effect of the Ojibway Correctional closure on Marenisco as required thereunder.” (Compl. ¶ 38). Plaintiffs also claim that Bouvette has a “right and interest in the continued participation and operation of the Facility, along with the economic effects of any closure of Ojibway Correctional Facility.” (Compl. ¶ 39).

Bouvette lacks a protected property interest implicated by any economic injury incidental to the closure of OCF. “Property interests . . . are created and their dimensions are defined by existing rules or understandings that stem from an independent source such as state law.” *Bd of Regents of State Colleges v Roth*, 408 US 564, 577 (1972). “The question of whether a benefit was conferred is not merely a question of whether the law, in fact, caused some benefit to accrue to the plaintiff.” *Am Premier Underwriters, Inc v Nat’l RR Passenger Corp*, 709 F3d 584, 594 (6th Cir 2013). “To have a property interest protected requires more than a unilateral expectation to the claimed interest; the claimant must have a legitimate claim of entitlement.” *Hanlon v Civil Serv Comm’n*, 253 Mich App 710, 723 (2002), citing *Williams v Hofley Mfg Co*, 430 Mich 603, 610 (1988). “[I]f the government has the discretion to rescind the benefit entirely, there is no property interest.” *Am*

*Premier Underwriters*, 709 F3d at 595, citing *EJS Props, LLC v City of Toledo*, 698 F3d 845, 856–57 (6th Cir 2012).

In this case, Bouvette has no vested property interest in OCF remaining operational. Although Bouvette and, indirectly, the Marenisco community undoubtedly benefit financially from OCF's operation and its attendant economic effects, these are not legitimate entitlements created under Michigan law. And the State indisputably has the discretion to open or close correctional facilities depending on the needs of the State. Because Bouvette has no vested property interest in OCF, Plaintiffs fail to state a cognizable procedural due process claim.

In addition, Bouvette does not have a protected liberty interest created by Section 944 of 2018 PA 207. To determine whether state law creates a liberty interest protected by the due process clause, the initial inquiry is whether the statute has used “explicitly mandatory language in connection with requiring specific substantive predicates” to place substantive limitations on official conduct. *Hewitt v Helms*, 459 U.S. 460, 472 (1983). If the statute uses explicit mandatory language and provides substantive predicates, the second inquiry is whether the state has mandated a specific outcome if the substantive predicates are met. *Tony “L” and Joey “L” v Childers*, 71 F3d 1182, 1185 (6th Cir 1995); *Pusey v City of Youngstown*, 11 F3d 652, 656 (6th Cir 1993). Procedural rights that do not require a particular substantive outcome are not liberty interests protected by the Fourteenth Amendment, even if the right is “mandatory.” *Gibson v McMurray*, 159 F3d 230 (6th Cir 1998).

Here, Section 944 of 2018 PA 207 does not mandate a particular outcome. It states that MDOC “shall fully consider the potential economic impact of the prison closure on the community where the facility is located” and that “when weighing all factors related to the closure of a facility, [MDOC] shall also consider the impact on the local community where the facility to be closed is located.” However, “[a]n expectation that some sort of action will be taken is not enough. Rather, a plaintiff must have an expectation that a particular result will follow from a particular, required action.” *Childers*, 71 F3d at 1186. Because no specific outcome is mandated by Section 944 with respect to MDOC’s consideration of all factors, any procedural due process liberty interest claim that Plaintiffs may be attempting to assert here fails as a matter of law.

Neither of the “rights” or interests asserted by Plaintiffs are “life, liberty, or property” interests that are entitled to due process.<sup>2</sup> “[A]lleged economic injury resulting from the denial of . . . funds does not, even for purposes of a Rule 12(b)(6) motion, rise to th[e] level” of a protected interest. *LRL Props v Portage Metro Hous Auth*, 55 F3d 1097, 1108 (6th Cir 1995). Similarly, an interest in MDOC following the consideration “process” of Section 944 of 2018 PA 207 is not protected by the due process clause. *See id.* at 1110. Accordingly, Plaintiffs fail to state a claim on which

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<sup>2</sup> Defendants note that the decision to close OCF was a direct result of funds, or lack thereof, appropriated by the Michigan Legislature through 2018 PA 207—a product itself of the democratic process. This process provides the opportunity for all affected parties to make their interests known. Therefore, the appropriate avenue for Plaintiffs to advocate for their cause was through the legislative, rather than the judicial, process.

relief can be granted that Defendants violated Bouvette's rights to procedural due process, and Count II should be dismissed.

**III. This Court should decline to reverse an agency decision based on separation of powers and political question doctrines.**

The doctrine of separation of powers is well-recognized under Michigan law, and rests on the notion that the accumulation of too much power in one governmental entity presents a threat to liberty. James Madison expressed this sentiment more than 200 years ago when he wrote, "the accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny." *The Federalist*, No. 47. Thus, the ratifiers of the 1963 constitution divided governmental power between the three branches of government—with the Legislature exercising the "legislative power," Const 1963, art 4, § 1; the Governor exercising the "executive power," Const 1963, art 5, § 1; and the judiciary exercising the "judicial power," Const 1963, art 6, § 1. *46th Circuit Trial Court v County of Crawford*, 476 Mich 131, 141 (2006). The Michigan Constitution also expressly prohibits those who exercise the powers of one branch of government from exercising the power of another branch. Const 1963, art 3, § 2. However, the Legislature may (and frequently does) delegate a task to an executive branch authority, so long as the delegation provides sufficient "standards or principles." *Taylor v Gate Pharmaceuticals*, 468 Mich 1, 10 (2003).

“A corollary to the separation of powers principle is the political question doctrine, which requires analysis of three inquiries: (1) Does the issue involve resolution of questions committed by the text of the constitution to the legislative or executive branches of government? (2) Would resolution of the question demand that the court move beyond areas of judicial expertise? (3) Do considerations for maintaining comity between the coordinate branches of government counsel against judicial intervention?” *Bendix Safety Restraints Grp v City of Troy*, 215 Mich App 289, 294 (1996), citing *House Speaker v Governor*, 443 Mich 560, 574 (1993). The political question and separation of powers doctrines “prevent[] the judiciary from usurping legislative prerogative.” *Wilkins v Gagliardi*, 219 Mich App 260, 265 (1996), citing *Schwartz v City of Flint*, 426 Mich. 295, 310–14 (1986).

The Michigan Constitution vests the Legislature with the power to appropriate funds. Const. 1963, art. 4, § 31. In enacting 2018 PA 207, the Legislature specifically provided for a correctional facility closure at a savings of \$19,201,100. In Section 944, the Legislature directed MDOC to “fully consider the potential economic impact of the prison closure on the community where the facility is located” and “when weighing all factors related to the closure of a facility, [to] consider the impact on the local community where the facility to be closed is located.” The decision of which correctional facility to close necessarily involves considerations within the expertise of MDOC. And as the Michigan Court of Appeals has recognized, executive agencies should be “entitled to deference in the manner in which they carry out their statutory mandates” in spending funds

appropriated for designated purposes. *Int'l Union, United Auto, Aerospace & Agr Implement Workers of Am, UAW, & Local 6000 v State*, 194 Mich App 489, 501, 506-07 (1992). Therefore, injunctive relief forcing OCF to remain open would run afoul of the separation of powers and political question doctrines.

#### **IV. Plaintiffs are not entitled to a preliminary injunction.**

In their motion for a temporary restraining order, Plaintiffs request that this Court issue a show cause order for a preliminary injunction. A preliminary injunction is extraordinary relief and “should issue only in extraordinary circumstances.” *Mich State Emps Ass’n v Dep’t of Mental Health*, 421 Mich 152, 157, 158 (1984); *Mich Coal of State Emp Unions v Civil Serv Comm’n*, 465 Mich 212, 226 n11 (2001). The issuance of this extraordinary relief is determined by a four-factor analysis:

whether (1) the moving party made the required demonstration of irreparable harm, (2) the harm to the applicant absent such an injunction outweighs the harm it would cause to the adverse party, (3) the moving party showed that it is likely to prevail on the merits, and (4) there will be harm to the public interest if an injunction is issued.

*Detroit Fire Fighters Ass’n, IAFF Local 344 v. City of Detroit*, 482 Mich 18, 34 (2008). Other considerations surrounding the issuance of a preliminary injunction are whether it will preserve the status quo so that a final hearing can be held without either party having been injured and whether it will grant one of the parties final relief before a hearing on the merits. *Thermatool Corp v Borzym*, 227 Mich App 366, 376 (1998), citing *Campau v McMath*, 185 Mich App 724, 729 (1990).

When seeking injunctive relief, the plaintiff has the burden of proof on each of these factors. MCR 3.310(A)(4). Plaintiffs have failed to meet this burden.<sup>3</sup>

**A. Plaintiffs have not shown they are likely to prevail on the merits.**

As discussed more fully in Sections I and II, *supra*, Plaintiffs have not shown they are likely to prevail on the merits because they have failed to state a claim on which relief can be granted. Plaintiffs lack standing to bring an action under the appropriations bill, and no protected interests are at stake for which procedural due process is due. Therefore, this factor weighs against injunctive relief.

**B. An injunction would harm the public interest, and the balance of harms to Defendants weighs against an injunction.**

Here, the public interest would be harmed if injunctive relief was granted because MDOC would be forced to operate and maintain a correctional facility using taxpayer dollars that were not appropriated to it. In enacting 2018 PA 207, the Michigan Legislature specifically provided for a correctional facility closure, at a savings of \$19,201,100. Moreover, injunctive relief would impose harm on Defendants because the process of relocating inmates, corrections officers, and other staff has already been initiated. Defendants would be required to expend significant time and State resources to reverse this transition. Accordingly, these factors also weigh against granting a preliminary injunction. Because Plaintiffs

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<sup>3</sup> For purposes of this motion for summary disposition, Defendants assume, without conceding, that Plaintiffs have sufficiently alleged irreparable harm.

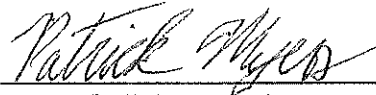
must establish each of the four factors to be entitled to a preliminary injunction, their request should be denied.

### CONCLUSION AND RELIEF REQUESTED

Defendants MDOC and Washington respectfully request that this Court grant it summary disposition under MCR 2.116(C)(8) and that Plaintiffs' complaint be dismissed in its entirety.

Respectfully submitted,

BILL SCHUETTE  
Attorney General



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**PROOF OF SERVICE**

I, Stacy A. Parrish, hereby certify that on the 1<sup>st</sup> day of October, 2018, I did serve Defendants Heidi E. Washington and Michigan Department of Corrections' October 1, 2018 Motion for Summary Disposition Under MCD 2.116(C)(8) and Brief in Support of Defendants Heidi E. Washington and Michigan Department of Corrections' October 1, 2018 Motion for Summary Disposition Under MCR 2.116(C)(8) upon the following individual:

Ronald A. King  
Clark Hill, PLC  
212 East Cesar Chavez-Avenue  
Lansing, MI 48906

via US Mail with postage prepaid thereon.

  
\_\_\_\_\_  
Stacy A. Parrish