

ALLEN PARK RETIREES ASSOCIATION
MEMBERSHIP UPDATE – AUGUST 03, 2016
Mich Court of Appeals #327470 and #329593 [http://courts.mi.gov]

Here Are the Time Lines

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| Date Filed – Ingham Circuit Court: | <u>October 07, 2013</u> | |
| Date that the State and State Treasurer transferred to Mich Court of Claims: | <u>December 30, 2013</u> | |
| Date that Emergency Manager & City transferred to Wayne Circuit Court: | <u>December 30, 2013</u> | |
| Wayne County Clerk’s Office loses Ingham Circuit Court File – APRA files <u>2nd</u> lawsuit so that Wayne Court opens the case & finds the file: | <u>Jan-Feb, 2014</u> | |
| <u>Mich</u> Court of Claims “freezes” case, throws APRA case into <u>Detroit Bankruptcy Court</u> | <u>April 22, 2014</u> | |
| APRA files motion in <u>Federal</u> Bankruptcy Court, and that Court orders APRA discharged from Detroit bankruptcy case: | <u>July 30, 2014</u> | |
| APRA Wayne Circuit Court case continues, agrees with APRA that Emergency Manager is <u>State Official</u> - Orders the EM back to <u>Court of Claims</u> : | <u>August 21, 2014</u> | |
| <u>Wayne Circuit</u> Court “freezes” APRA case, pending Mich <u>Court of Claims</u> case: | <u>Sept 26, 2014</u> | |
| State appeals <u>Bankruptcy</u> Court to <u>Federal District Court</u> ; that Court “sits” on APRA case until the Detroit bankruptcy case is settled: | <u>July-December, 2014</u> | |
| APRA case – v – State & State Treasurer reopens at the Court of Claims: | <u>January, 2015</u> | |
| Mich <u>Court of Claims</u> refuses Order by <u>Wayne Circuit</u> Court – sends Emergency Manager back to Wayne Circuit Court – APRA <u>appeals</u> that move to <u>Mich Court of Appeals</u> : | <u>April 29, 2015</u> | <u>APPEAL #1</u> |
| Mich <u>Court of Claims</u> dismisses APRA case against State and State Treasurer – APR <u>appeals</u> to Mich <u>Court of Appeals</u> : | <u>September 22, 2015</u> | <u>APPEAL #2</u> |
| APRA files legal motion & brief at <u>Wayne Circuit Court</u> , -v- <u>City</u> , because of health insurance changes: | <u>October 06, 2015</u> | |
| Wayne Circuit Court denies APRA, keeps <u>City</u> case closed, until all appeals of Court of <u>Claims</u> done: | <u>November 24, 2015</u> | |
| Legal Briefs and Exhibits filed at Mich <u>Court of Appeals</u> – last brief file by APRA: | <u>February 29, 2016</u> | <u>More Info Below</u> |

State files a motion to try and “strike” or “cross-out”

Part of the APRA brief of **Feb. 29, 2016**:

May 25, 2016

APRA files Response Brief:

June 07, 2016

Court of Appeals, *denies* State, APRA brief upheld

June 24, 2016

What’s Next?

Awaiting the appointment of a 3-judge panel at Court of Appeals

Awaiting the date of oral arguments at Court of Appeals

Probably – to be scheduled in the late Fall, 2016

What are the Issues?

1. Is Public Act 436 [the Emergency Manager Act] constitutional?
2. *Even if* Public Act 436 is “*constitutional*,” was it **illegally** used in Allen Park?
3. Do Allen Park retirees have legal claims to health insurance benefits for life?
4. Does the State and State Treasurer have immunity from the lawsuit?
5. Did the Court of Claims judge error by dismissing Russ Pillar’s labor contract and then claiming **everyone** in the APRA was dismissed [**class certification**]?
6. Is the Emergency Manager a **State** officer and not a “**local**” officer?

What Are the Long-Standing Mich Supreme Court Cases?

Is the Emergency Manager a State Official?

“The first inquiry which presents itself, is as to the position of the commissioners. They are appointed by the State, derive all their powers from the State, are subject to no supervision of any one, except as to the governor’s power of removal, and, with their successors appointed in the same way, hold in perpetuity. They are, then, **officers** or **agents** of the State.” *Hubbard – v – Township of Springwells*, 25 Mich. 153, 155 (**1872**)

Can the State Remove All Local Officials and All Local Control?

“If we may suppose, for an illustration, that the Legislature shall provide that in Detroit a single person may be chosen in whom may be vested the whole legislative authority of the city, and all other authority pertaining to local government of every description and nature, not expressly by the constitution confided to officers specified, it would require unusual boldness in any one who should undertake to **defend** such a **local dictatorship** ...” *Park Commissioners – v – Detroit Common Council*, 28 Mich. 228, 244 (**1873**) [By Justice Cooley – the law school named for him]

– *All Questions Welcomed* –

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Thank you for entrusting the law firm with these very important matters