Court of Appeals, State of Michigan

ORDER

Wayne Cnty Sheriffs & Airport Police Local 502 v Wayne Cnty

Docket No. 268428

LC No. 05-512985-CZ

Bill Schuette
Presiding Judge

Peter D. O'Connell

Patrick M. Meter
Judges

The Court orders that the motion for immediate consideration is GRANTED.

Pursuant to MCR 7.216(A)(1) and MCR 7.216(A)(7), the motion for relief from the order granting injunctive relief is GRANTED. Under MCL 423.216(h), the circuit court's jurisdiction was limited to the granting of temporary relief pending the resolution of the unfair labor practice charge. In determining whether to issue an injunction, the trial court was required to consider (1) harm to the public if the injunction issues; (2) whether harm to the applicant in the absence of temporary relief outweighs the harm to the opposing party if relief is granted; (3) the likelihood that the applicant will prevail on the merits; and (4) whether the applicant will suffer irreparable harm if the relief is not granted. *Thermatool Corp v Borzym,* 227 Mich App 366, 376; 575 NW2d 334 (1998). Where an administrative law judge has determined that there is no merit to the unfair labor practice charge, there is no showing that plaintiff is likely to prevail on the merits. Further, if plaintiff ultimately prevails before MERC on the unfair labor charge, there is no showing that MERC will not be able to remedy any harm.

The decision of the circuit court is REVERSED, and the injunction is VACATED. We do not retain jurisdiction.

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 14 2006
Date

Sandra Schultz Mengel
Chief Clerk