

Court of Appeals, State of Michigan

ORDER

Dearborn Supervisory Tech & Prof Emps Union v City of Dearborn

Christopher M. Murray
Presiding Judge

Docket No. 308185

Michael J. Talbot

LC No. 12-000022-CL

Cynthia Diane Stephens
Judges

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

In lieu of granting leave to appeal, the Court orders, pursuant to MCR 7.205(D)(2), that the January 4, 2012, order of the Wayne Circuit Court granting a preliminary injunction hereby is REVERSED. Injunctive relief is an extraordinary remedy that is appropriate only when justice requires, no adequate remedy at law exists, and a real and imminent danger of irreparable injury is present. *Kernen v Homestead Development Co*, 232 Mich App 503, 509; 591 NW2d 369 (1998). Plaintiff has not shown that irreparable injury is present in this case. In April, the Michigan Employment Relations Commission (MERC) is scheduled to decide whether the method of compliance with the statute is a subject of mandatory bargaining and whether defendant impermissibly unilaterally shortened the medical plan coverage year, thus committing an unfair labor practice. If MERC determines that defendant committed an unfair labor practice, MERC can order monetary damages or provide another remedy to make whole the bargaining unit's members. *Pontiac Fire Fighters Union Local 375 v City of Pontiac*, 482 Mich 1, 9-10; 753 NW2d 595 (2008). Therefore, the union has failed to establish irreparable harm or an inadequate remedy at law and the issuance of the preliminary injunction was inappropriate and constituted an abuse of discretion. *Id.* at 10.

The motion to expedite is DENIED as moot.

This order is to have immediate effect. MCR 7.215(F)(2). The Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

FEB 14 2012

Date


Chief Clerk