

Court of Appeals, State of Michigan

ORDER

Citizens United Against Corrupt Govt v Financial Advisory Board

Docket No. 314235

Kirsten Frank Kelly
Presiding Judge

Michael J. Talbot

Christopher M. Murray
Judges

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

The “emergency ex parte application for leave to file complaint for writ of quo warranto” is DISMISSED. Thirty-one days before filing the instant action, petitioner filed a pleading that is, in all material respects, identical to the application before this panel in *Citizens United Against Corrupt Govt v Financial Advisory Board*, Docket No. 313586 (*Citizens I*). Although this Court in *Citizens I* directed that petitioner file a proposed complaint in this Court on or before December 14, 2012, petitioner instead filed a motion for this Court to hold the application for quo warranto in abeyance pending the decision in two cases, including *Robert Davis v Roy Roberts*, Michigan Supreme Court Docket No. 146187. Petitioner averred on page 2, ¶ 4 of the abeyance motion that the issues to be determined by the Michigan Supreme Court in *Davis v Roberts* “are in all material respects germane to the issues pending in this case because both pertain to the application and validity of Public Act 4 of 2011” This Court denied petitioner’s motion to hold the *Citizens I* application in abeyance and dismissed the matter without prejudice. As of this date, petitioner has not sought reconsideration of that order, nor does it appear that petitioner has sought leave to file an application for leave to appeal that order with the Michigan Supreme Court. *Davis v Roberts* remains pending in the Michigan Supreme Court. Inexplicably, petitioner now asks this Court to consider a new application for quo warranto that raises the same arguments as *Citizens I*. Petitioner, however, has presented no grounds for this Court to rule in a contrary manner to the order issued in *Citizens I*. Petitioner does not suggest that *Davis v Roberts* is no longer germane to the issues raised in *Citizens I*. Petitioner offers no facts that are materially different than the circumstances that were before this Court in *Citizens I*. The Court therefore concludes, in line with *Citizens I*, that petitioner’s application is at best premature and must be dismissed.



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

JAN 16 2013

Date


Chief Clerk