

Court of Appeals, State of Michigan

ORDER

Citizens United Against Corrupt Govt v Detroit Financial Rev Team

Docket No. 314639

Karen M. Fort Hood
Presiding Judge

Michael J. Talbot

Kirsten Frank Kelly
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 DENIED.

The Court further observes that petitioner’s application for leave to file complaint for writ of quo warranto is unwarranted by existing law. Petitioner’s interpretation of the footnote in *Robert Davis v City of Detroit Financial Review Team*, unpublished per curiam opinion of the Court of Appeals, issued December 18, 2012 (Docket No. 310653), slip op at 2, n 1, is simply unfounded. Contrary to petitioner’s reading of that footnote, and as explained to petitioner in the January 31, 2013, letter from Chief Legal Counsel for the Attorney General, the Court in *Davis* did not overturn this Court’s legal pronouncement *Robert Davis v Roy Roberts*, unpublished order of the Court of Appeals, issued November 16, 2012 (Docket No. 313297). Petitioner’s contrary explanation of that footnote, and petitioner’s recycling of its former legal arguments, do not operate as a good-faith argument for the reversal of the existing law.

Respondents sought sanctions pursuant to MCR 7.216(C), which pertains to vexatious appeals and thus does not apply to this original action. *Edge v Edge*, __ Mich App __ (Docket No. 308633, issued December 27, 2012), slip op at 7. MCR 2.114(E) provides that appropriate sanctions may include “an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the document, including reasonable attorney fees.” In light of the Court’s finding that petitioner’s pleadings violated MCR 2.114, respondents may file a motion under that court rule with supporting documentation detailing the amount of the reasonable expenses, including reasonable attorney fees, incurred because of the filing of the instant application for leave to file complaint for writ of quo warranto.

Fort Hood, P.J., concurs in the denial of the application for leave to file complaint for writ of quo warranto only.



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

MAR 07 2013

Date


Chief Clerk