

Court of Appeals, State of Michigan

ORDER

Invest in Royal Oak Township v Gwendolyn Turner

Docket No. 347935

LC No. 2019-171952-AW

Colleen A. O'Brien
Presiding Judge

Deborah A. Servitto

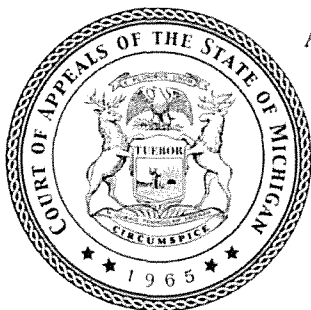
Elizabeth L. Gleicher
Judges

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

In lieu of granting the application for leave to appeal, the Court orders, pursuant to MCR 7.205(E)(2), that the March 6, 2019, order is VACATED. A writ of mandamus is an extraordinary remedy that will be issued only when: “(1) the party seeking the writ has a clear legal right to performance of the specific duty sought, (2) the defendant has the clear legal duty to perform the act requested, (3) the act is ministerial, and (4) no other remedy exists that might achieve the same result.” *Citizens Protecting Michigan's Constitution v Secretary of State*, 280 Mich App 273, 284; 761 NW2d 210 (2008), aff'd in part 482 Mich 960 (2008). Plaintiff filed a petition containing the requisite number of signatures set forth in MCL 333.27956(1). Defendants failed to provide any authority showing that the form of the petition was deficient. See *Stand Up for Democracy v Secretary of State*, 297 Mich App 45, 63-64; 824 NW2d 220 (2012), rev'd on other grounds 492 Mich 588 (2012). In addition, defendants' substantive challenges to the proposal are premature and may be asserted only if and when the proposal is enacted. See *Coalition for a Safer Detroit v Detroit City Clerk*, 295 Mich App 362, 371-372; 820 NW2d 208 (2012). Thus, this Court orders that the March 6, 2019, order is VACATED and this case is remanded to the trial court. The trial court shall grant a writ of mandamus directing defendants to place plaintiff's proposal on the May 7, 2019, ballot.

This order is to have immediate effect, MCR 7.215(F)(2).

This Court retains no further jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

MAR 12 2019

Date


Chief Clerk