

Order

Michigan Supreme Court
Lansing, Michigan

January 24, 2020

Bridget M. McCormack,
Chief Justice

158852 & (84)

David F. Viviano,
Chief Justice Pro Tem

DETROIT ALLIANCE AGAINST THE RAIN
TAX, DETROIT IRON & METAL COMPANY,
AMERICAN IRON & METAL COMPANY,
McNICHOLS SCRAP IRON & METAL
COMPANY, MONIER KHALIL LIVING TRUST,
and BAGLEY PROPERTIES, LLC,
Plaintiffs-Appellants,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 158852
COA: 339176

CITY OF DETROIT, DETROIT WATER AND
SEWERAGE DEPARTMENT, and DETROIT
BOARD OF WATER COMMISSIONERS,
Defendants-Appellees.

On order of the Court, the motion for leave to file supplemental authority is GRANTED. The application for leave to appeal the November 6, 2018 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The appellants shall file a supplemental brief within 42 days of the date of this order addressing whether the Court of Appeals erred in concluding that *Bolt v City of Lansing*, 459 Mich 152, 164 (1998), is distinguishable from this case on the basis that Detroit's sewer system is a combined system rather than a separate storm and sanitary sewer system. 1963 Const, art 9, § 31. In addition to the brief, the appellants shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellees shall file a supplemental brief within 21 days of being served with the appellants' brief. The appellees shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellants. A reply, if any, must be filed by the appellants within 14 days of being served with the appellees' brief. The parties should not submit mere restatements of their application papers.

Trappers Properties, *et al.*, is invited to file a brief amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



s0121

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 24, 2020

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk