

Court of Appeals, State of Michigan

ORDER

Megan Smith v Department of Human Services Director

Michael J. Kelly
Presiding Judge

Docket No. 306846

Patrick M. Meter

LC No. 11-097052-CZ

Amy Ronayne Krause
Judges

The Court orders that the motions for immediate consideration are GRANTED.

The motion to file a reply brief is GRANTED.

The motion to file a surreply brief is GRANTED.

The motion for stay is DENIED.

In lieu of granting leave to appeal, the Court orders, pursuant to MCR 7.205(D)(2), that the October 31, 2011 order of the Genesee Circuit Court granting a preliminary injunction is hereby REVERSED and the preliminary injunction is VACATED. Injunctive relief is an extraordinary remedy that is appropriate only when justice requires, when no adequate remedy at law exists, and a real and imminent danger of irreparable injury is present. *Pontiac Firefighters Union Local 376 v City of Pontiac*, 482 Mich 1, 8-9; 753 NW2d 595 (2008). Plaintiffs failed to establish a likelihood of prevailing on the merits of their claim. See *Henry v Dow Chemical Co*, 473 Mich 63, 96 n 27; 701 NW2d 684 (2005). Accordingly, the issuance of the preliminary injunction was inappropriate and constituted an abuse of discretion. *Pontiac Firefighters Union Local 376*, 482 Mich at 10.

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

NOV - 3 2011

Date


Chief Clerk