

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF EATON

JANE STEPHENS,

Plaintiff,

v.

Case No 19-919-CZ
Judge John D. Maurer

CHARTER TOWNSHIP OF DELTA,

Defendant.

Gregory D. Hanley (P51204)
John J. Premo (P55393)
Edward F. Kickham, Jr. (P70332)
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**STIPULATED ORDER GRANTING IN PART AND DENYING IN PART
DEFENDANT'S MOTION FOR SUMMARY DISPOSITION PURSUANT TO MCR
2.116(C)(7), (C)(8), AND (C)(10) IN LIEU OF AN ANSWER**

At a session of said Court held in the
Courthouse in the City of Charlotte, for the
County of Eaton, State of Michigan

on Feb 3, 2020

PRESENT:

Cunningham
Hon.

THIS MATTER having come before this Honorable Court upon Defendant's Motion for Summary Disposition in Lieu of an Answer, briefs in support of and in opposition to said motion having been filed, oral argument having taken place on January 22, 2020, and this Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED, for the reasons stated on the record at the January 22, 2020 hearing, that the Franchise Fee that is the subject of Plaintiff's Complaint is an unlawful tax that the Township has imposed in violation of the Headlee Amendment to the Michigan Constitution, and that the Headlee Amendment claim is timely to the extent it seeks refunds of Franchise Fees imposed on or after September 4, 2018;

IT IS FURTHER HEREBY ORDERED that Defendant's Motion for Summary Disposition as to Count II of Plaintiff's Complaint for Violation of State Equal Protection Guarantees is DENIED WITHOUT PREJUDICE for the reasons stated on the record;

IT IS FURTHER HEREBY ORDERED that Defendant's Motion for Summary Disposition as to Count III of Plaintiff's Complaint for Unjust Enrichment for Violation of the Foote Act is GRANTED for the reasons stated on the record; and,

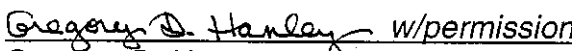
IT IS FURTHER HEREBY ORDERED that Defendant's Motion for Summary Disposition as to Count IV of Plaintiff's Complaint for Claim in Assumpsit for Violation of the Foote Act is GRANTED for the reasons stated on the record.

THIS IS NOT A FINAL ORDER AND DOES NOT CLOSE THIS CASE.

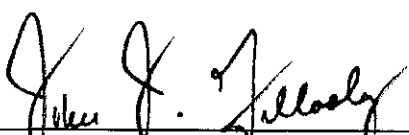


Hon. John D. Maurer

Approved as to form:



Gregory D. Hanley (P51204)
Attorney for Plaintiff



John J. Gillooly (P41948)
Attorney for Defendant

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PROOF OF SERVICE

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

DEBORAH BROSSOIT, being first duly sworn, deposes and says that she is employed by GARAN LUCOW MILLER, P.C., and that on the 7th day of February, 2020, she served a true copy of: **STIPULATED ORDER GRANTING DENYING IN PART DEFENDANT'S MOTION FOR SUMMARY DISPOSITION and PROOF OF SERVICE** upon:

Gregory D. Hanley, Esq.
John J. Premo, Esq.
Edward F. Kickham, Jr., Esq.
Kickham Hanley, PLLC
32121 Woodward Avenue, Suite 300
Royal Oak, MI 48073

by enclosing same in a pre-addressed, pre-stamped envelope and depositing same in the United States Mail.



Deborah Brossoit