

Court of Appeals, State of Michigan

ORDER

Say Yes to Huntington Woods Co v Heidi Brown-Barckholtz

Docket No. 362827

LC No. 2022-195612-AW

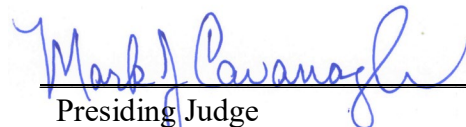
Mark J. Cavanagh
Presiding Judge

Kathleen Jansen

Sima G. Patel
Judges

Pursuant to MCR 7.216(A)(7), the Court orders that the September 1, 2022 order of the Oakland County Circuit Court granting plaintiff's complaint for writ of mandamus is REVERSED. Plaintiff has the burden of demonstrating an entitlement to the extraordinary remedy of mandamus by showing: (1) a clear legal right to the act; (2) a clear legal duty by the defendant to carry out the act; (3) that the act is ministerial; and (4) that no other adequate remedy exists. *Taxpayers for Michigan Constitutional Gov't v Dept of Technology, Mgmt & Budget*, 508 Mich 48, 82; 972 NW2d 738 (2021). Plaintiff has not shown that it had a clear legal right to have the proposed initiative ordinance placed on the ballot, where the proposed initiative ordinance goes beyond providing for "the number of marihuana establishments allowed within a municipality" as specifically limited in MCL 333.27956(1). Plaintiff therefore has not shown it had a clear legal right to certification of its initiative ordinance, nor has it shown that defendant City Clerk of Huntington Woods had a clear legal duty to certify the initiative ordinance for placement on the November 2022 general election ballot. Consequently, the September 1, 2022 order granting mandamus is REVERSED.

This order is to have immediate effect, MCR 7.215(F)(2). This is our final judgment in this matter, see MCR 7.215(E)(1), and therefore this Court retains no further jurisdiction.



Presiding Judge



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

September 7, 2022

Date



Chief Clerk