STATE OF MICHIGAN
IN THE COURT OF APPEALS

67TH DISTRICT COURT,

Plaintiff,

v

COUNTY OF GENESEE & GENESEE COUNTY BOARD OF COMMISSIONERS,

Defendants.

Court of Appeals Case No. 368601

LC No. 00-000000

AMICUS CURIAE BRIEF OF CITY OF FLUSHING, FLUSHING TOWNSHIP, CITY OF FENTON, GRAND BLANC TOWNSHIP, DAVISON TOWNSHIP, ATLAS TOWNSHIP, ARGENTINE TOWNSHIP, AND CITY OF GRAND BLANC IN SUPPORT OF THE 67th DISTRICT COURT

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STATEMENT OF JURISDICTION

Plaintiff filed suit in this Court alleging that actions taken by Defendant threaten the serviceability of the 67th District Court and are unlawful and unconstitutional. MCL 141.436(9) provides a "chief judge of a court funded by a county has standing to bring a suit against the legislative body of that county concerning a general appropriations act, including any challenge as to serviceable levels of funding for … that court." MCL 141.438(10) provides "jurisdiction of the court of appeals over a suit brought under [MCL 141.436(9)] is exclusive and that jurisdiction or any judicial duties inherent in that jurisdiction shall not be transferred to any other court." Accordingly, *Amici* agree with Plaintiff that this Court has exclusive jurisdiction over the claims asserted by Plaintiff pursuant to MCL 141.438(10), and but for this Court exercising jurisdiction, it would be unclear where else Plaintiff could file suit.

STATEMENT OF QUESTIONS PRESENTED

1. Does Defendants' plan to consolidate the operations of the 67th District Court violate the Revised Judicature Act?

   Plaintiff's answer: Yes.
   Defendants' answer: No.
   Amici's answer: Yes.

2. Does Defendants' plan to consolidate the operations of the 67th District Court create a real and imminent danger of irreparable injury to significantly protected interests of *Amici* and their residents?

   Plaintiff's answer: Yes.
   Defendants' answer: No.
   Amici's answer: Yes.

3. Does Defendants' plan to consolidate the operations of the 67th District Court violate the public policy of the Revised Judicature Act?

   Plaintiff's answer: Yes.
   Defendants' answer: No.
   Amici's answer: Yes.

INTRODUCTION AND INTEREST OF *AMICI*

The City of Flushing, Flushing Township, City of Fenton, Grand Blanc Township, Davison Township, Atlas Township, Argentine Township, and City of Grand Blanc (collectively, "*Amici*") are local governments in Genesee County (the "County") who themselves and their residents are subject to the jurisdiction of and serviced by the 67th District Court.[1] *Amici* are gravely concerned with the unprecedented, unlawful, and unconstitutional plans of Genesee County and its Board of Commissioners (collectively, "Defendants") to close down the operations of the 67th District Court that have existed for the past half century by effectively consolidating the operations into one single courthouse in the City of Flint—completely destroying access to the courts provided to the *Amici* and their residents. The specific positions of *Amici* in this case are relatively straightforward:

- Under the Revised Judicature Act, Plaintiff has the authority to determine where the judges of the 67th District Court sit, and the County is responsible for allocating tax revenue for the operation of the facilities for the 67th District Court.

- The 67th District Court has decided to sit in seven locations—Fenton, Mt. Morris, Davison, Burton, Flushing, Grand Blanc, and Flint.

- Defendants' actions are unlawful and unconstitutional because they intrude on the authority of the 67th District Court as set forth in the Revised Judicature Act and the Michigan Constitution in an attempt to close six of the seven locations—forcing all judges to sit in the ill-equipped court located in Flint, Michigan.

- Defendants' actions constitute an unlawful deviation from the 2024 County Budget and have been taken without equal action from the County Board of Commissioners.

[1] *Amici* are a collection of political subdivisions for which a disclosure is not required pursuant to MCR 7.212(H)(3); however, *Amici* nevertheless makes the disclosures. This brief was solely authored by the undersigned counsel representing *Amici*. Monetary contributions intended to fund the preparation of this brief were made by *Amici* as well as the City of Davison.

- Irreparable injury will result to the significantly protected interests of *Amici* and their residents to access and receive minimum service from the 67th District Court if Defendants are permitted to proceed with their consolidation plans and force all District Court judges to sit in Flint, Michigan.

- Defendants' plan is against the public policy and plain language of the Revised Judicature Act.

- It is appropriate for Plaintiff to be provided a declaratory judgment, injunctive relief, and issue a writ of mandamus to prohibit Defendants from executing their plans to consolidate the operations of the 67th District Court—significant actions that cannot be undone.

This brief represents unified support for Plaintiff in this case and *Amici* concurs with the arguments presented by Plaintiff. *Amici* specifically focuses this brief on the statutory scheme of the Revised Judicature Act and factors weighing in favor of granting permanent injunctive relief[2] to prevent Defendants from executing their plans. The lack of repetition of many of the arguments presented by Plaintiff should not be construed as any disagreement with Plaintiff, but instead the focused interests of *Amici*.

STATEMENT OF FACTS AND PROCEEDINGS

Amici adopts the factual record of Plaintiff as presented in Plaintiff's Verified Complaint (¶¶ 1-54) and Plaintiff's Initial Brief (pp 3-8). Additional details are discussed below related to these facts where the details can be better understood in context.

[2] Permanent injunctive relief requires the consideration of several factors: "(a) the nature of the interest to be protected, (b) the relative adequacy to the plaintiff of injunction and of other remedies, (c) any unreasonable delay by the plaintiff in bringing suit, (d) any related misconduct on the part of the plaintiff, (e) the relative hardship likely to result to defendant if an injunction is granted and to plaintiff if it is denied, (f) the interests of third persons and of the public, and (g) the practicability of framing and enforcing the order or judgment." *Kernen v Homestead Dev Co*, 232 Mich 503, 514-15 (1998). *Amici* address irreparable harm, the nature of the interests at issue, and the interests of third persons and of the public in Arguments II-III of this brief.

ARGUMENT

I. Defendants' attempt to close several district courthouses in Genesee County and consolidate the operations of the 67th District Court to one courthouse plainly violates the Revised Judicature Act and Defendants' serviceability requirements.

A. The Revised Judicature Act requires the 67th District Court to sit in the City of Flint, City of Fenton, City of Grand Blanc, and the City of Flushing and allows the judges to determine other locations the 67th District Court will sit.

The Revised Judicature Act established district courts throughout the state. MCL 600.8101. Under the statutory scheme, district courts fall into one of three classes depending on their size and population. MCL 600.8103. The 67th District Court is a court of first class. MCL 600.8134(4)(a).

A county with a district court of first class is responsible for maintaining, financing, and operating the district courts wherever they sit. MCL 600.8103(1); MCL 600.8261 ("Court facilities shall be provided at those places where the court sits. In districts of the first [ ] class they shall be provided by the county"). The location of each district court in a district of the first class within a county is explicitly provided for in the Revised Judicature Act:

> In districts of the first class, the court shall sit at each county seat. In districts of the first class consisting of 1 county having a population of 130,000 or more, the court shall also sit at each city having a population of 6,500 or more, except the court is not required to sit at any city that is contiguous to the county seat or is contiguous to a city having a greater population. The court shall also sit at other places as the judges of the district determine. [MCL 600.8251(1).]

Genesee County has a population of 130,000 or more, and thus the 67th District Court must sit at the county seat, in cities with populations greater than 6,500, and in other places as the judges determine. The county seat is in the City of Flint and the cities of Burton, Fenton, Grand Blanc, and Flushing all have populations of 6,500 or more. The Revised Judicature Act accordingly mandates that the district court sits in each of these jurisdictions with the exception of the City of Burton because it is contiguous to the county seat. MCL 600.8251(1). The Revised Judicature Act further provides that the district court will sit in other places as the judges of the district determine, which at present is Mt. Morris Township, the City of Burton, and the City of Davison. The responsibility of the County is to maintain, finance, operate and provide facilities wherever the 67th District Court sits. MCL 600.8101.

B. *Center Line* and *City of Rockford* confirm the judges have the discretion to decide what other places the district court will "sit."

There are two cases that have previously addressed challenges to consolidation plans of district courts: *Center Line v 37th District Court Judges*, 403 Mich 595 (1978) and *City of Rockford v 63rd District Court*, 286 Mich App 624 (2009). Both cases are distinguishable from the case at hand as they did not deal with districts of the first class, and they both dealt with judges (not a county or political subdivision) attempting to consolidate the operations of a district court. The decisions, nevertheless, reinforce that it is Plaintiff—not Defendants—who have the discretion to determine where a district court sits (if not otherwise mandated pursuant to MCL 600.8251(1)).

In *Center Line*, the judges of the 37th were alleged to have plans to remove court operations entirely to one facility. *Id.* at 602. The city sued seeking declaratory and injunctive relief arguing that the judges were required to "sit" in the locations as required in MCL 600.8251(3):

> In districts of the third class the court shall sit at each city having a population of 3,250 or more and within each township having a population of 12,000 or more and at such other places as the judges of the district determine. However, the court shall not be required to sit in any political subdivision if the governing body of that subdivision by resolution and the court agree that the court shall not sit therein.

The city argued that this language of the Revised Judicature Act required a full-time judge in the city because it provided "shall sit" in the city. *Id.* at 604. The Michigan Supreme Court held that the term "sit" does not require a full-time judge, and rather interpreted the term to mean that services of the district court, consistent with the judicial needs of the district, were required to be present. *Id.* at 604. At the same time, however, the Michigan Supreme Court explained that it would "not preclude a request to invoke our administrative or rule-making authority if the city [could] demonstrate that judicial resources can be more effectively used in the 37th judicial district, and the judges do not agree."[3] *Id.* at 607. In other words, the Michigan Supreme Court did not necessarily endorse consolidation in the instance where it could be demonstrated that doing so would be inefficient. Rather, the Michigan Supreme Court left open the question as to whether

[3] *Amici* believe that were the scenario different and Plaintiff was the one attempting to consolidate the 67th District Court, *Amici* could demonstrate that judicial resources could be more effectively used without consolidation by maintaining the status quo. However, that issue need not be resolved in this case.

consolidation would be appropriate when a locality could demonstrate that doing so would be inefficient.

In *Rockford*, approximately 50 years after *Center Line* was decided, the judges of the 63rd District Court agreed to a plan provided by the county to consolidate two divisions into one location.[4] *Id.* at 625. A city sued seeking declaratory and injunctive relief arguing that the statutory mandate that the district court "shall sit" in the city required there to be a full-time judge in the city. *Id.* Relying on *Center Line*, this Court determined that a full-time judge was not required, and explained that the consolidation plans by the judges did not violate the Revised Judicature Act because they had the discretion to determine where the district court sat. *Id.* at 630-31.

Center Line and *Rockford* both establish that the statutory scheme of the Revised Judicature Act provides judges with the discretion to determine where district courts "sit." Neither case addressed the specific issue under the Revised Judicature Act that is present in this case: can the judges of the 67th District Court choose to have a full-time judicial presence wherever they choose? The cases also do not address whether Defendants have any authority to choose where the 67th District Court sits. The holdings of those cases therefore are only relevant insofar as they reveal the discretion that the Revised Judicature Act provides to judges—not Defendants.

C. The Revised Judicature Act provides the 67th District Court with the authority to determine where it wants to have a judicial presence and the extent of that judicial presence.

Plaintiff argues that it has the authority to determine where full-time judicial presence is in the County. Defendants argue that Plaintiff only has the authority to determine where a minimal judicial presence should be located. A most straightforward reading of the Revised Judicature Act

[4] It is important to clarify that while the county in *Rockford* proposed the consolidation plans, the chief judge of the 63rd District Court supported "the proposed consolidation and stated that, as chief judge, she had the ultimate authority to determine whether both divisions of the court would be consolidated at the new location." *Id.* at 626. Thus, the issue of whether the county had any authority to consolidate the 63rd District Court was not discussed. Perhaps relevant to this matter, the Court did note that the county was the "funding unit" of the 63rd District Court and was "responsible for providing the facilities" without any mention of authority to dictate where those facilities are located. *Id.*

provides Plaintiff has the authority to determine where the Court sits and the level of judicial presence.[5]

The Revised Judicature Act provides the judges of the 67th District Court with the authority to determine where the court will sit and does not provide a limitation: "**The court shall also sit at other places as the judges of the district determine**." MCL 600.8251(1) (emphasis supplied). Nevertheless, Defendants wish to have this Court declare that the broad grant of authority ("[t]he court shall also sit … as the judges determine") to the 67th District Court in MCL 600.8251(1) means that the district court judges only get to determine where a minimal judicial presence is located. That kind of limitation being read into the statute would make the authority provided to the judges nearly irrelevant and would be an improper construction of the statute. *See Rusnak v Walker*, 273 Mich App 299, 305 (2006) (explaining it is a well-settled principle of statutory construction that "the judiciary cannot read restrictions or limitations into a statute that plainly contains none"). The reading of the statute would also cut against the well-established rule of statutory construction that statutes are read in context with references to other language. *See, e.g., Sweatt v Dep't of Corr*, 468 Mich 172, 179 (2003). The context that is relevant here is the difference in language used for districts of the first class as opposed to districts of the second class when addressing where a district court will "sit." In districts of the first class, the statute uses the mandatory term "shall" by providing "[t]he court shall also sit … as the judges determine." MCL 600.8251(1). In contrast, in districts of the second class, the statute uses the permissive term "may" when discussing where the district court will sit as the judges determine: "In addition to the place or places where the court is required to sit … the court may sit at a place or places within the district as the judges of the district determine." MCL 600.8251(2). There is obviously a difference between these two grants of authority. The authority provided to the 67th District Court requires that the district court sit "as the judges of the district determine." MCL 600.8251(1).

In addition to Defendants' reading of the statute violating well-established rules of statutory construction, the reading by Defendants would greatly expand the role of Defendants when there is nowhere in the Revised Judicature Act that contemplates the County having a say as to what judicial presence sits at a location. As explained by this Court in *Rockford*, the County's

[5] *Amici* again notes that it believes if the 67th District Court (instead of the County) were to have plans to consolidate, that they could be limited if it was shown the consolidation was inefficient or did not satisfy the judicial needs of the district. *Center Line*, 403 Mich at 604, 607.

role is to be the "funding unit" and "provide the facilities" for the 67th District Court. *Id.* at 626; *see also* MCL 600.8103(2); MCL 600.8104; MCL 600.8261. The role of the County is not to decide and micromanage the extent of the operations the 67th District Court gets to have throughout the County.

The Revised Judicature Act specifically provides the 67th District Court with where it must sit and gives the judges the discretion to decide where else to sit. MCL 600.8251(1). The judges decide the extent of the judicial presence and the County has no say under the statutory scheme. Accordingly, Defendants' plan to consolidate the operations of the 67th District Court violates the Revised Judicature Act.

II. Defendants' plan to consolidate the 67th District Court presents a real and imminent danger of irreparable injury to the significantly protected rights of *Amici* and their residents to access the 67th District Court.

Amici and their residents have a right to access the 67th District Court.[6] Defendants' plans to consolidate the courthouses would result in tremendous backloads and jeopardize the significant interests of *Amici* and their residents to access the court system. Defendants' plans will further divest the 67th District Court of available leaseholds and/or ownership interest in the court locations with no alternatives to acquire such locations again if this Court does not halt Defendants' actions.

To understand the danger of the consolidation plans, this Court must look at the status quo and what would result from a change thereto. There are currently seven district courthouses in the County that collectively serve *Amici* and its residents:

- The "Fenton Court" is located at 17100 Silver Parkway, Ste. C, Fenton, Michigan 48430. The "Fenton Court" serves Fenton Township, Argentine Township, Gaines Township, Clayton Township, the City of Fenton, Linden City, Swartz Creek City, Village of Gaines, and Village of Lennon.

- The "Mt. Morris Court" is located at 11820 N. Saginaw Street, Mt. Morris, Michigan 48458. The "Mt. Morris Court" serves Mt. Morris Township, Genesee Township, and Mt. Morris City.

[6] "There is no doubt that access to the courts is a fundamental right[.]" *Doe v Dep't of Corr*, 323 Mich App 479, 505 (2018). "The right of access to the courts is a facilitative right" to have legal issues resolved. *Van Dyke v McHugh*, 247 Mich App 264, 276 (2001). "The right of access to the courts is implicated where the ability to file suit is delayed or blocked altogether." *Id.*

- The "Davison Court" is located at 200 E. Flint Street, Ste. 3, Davison, Michigan 48423. The "Davison Court" serves Davison Township, Forest Township, Richfield Township, Atlas Township, City of Davison, Village of Goodrich, and Village of Otisville.

- The "Burton Court" is located at 4094 Manor Drive, Burton, Michigan 48519.

- The "Flushing Court" is located at 1415 Flushing Road, Flushing, Michigan 48433. The "Flushing Court" serves Flushing Township, Flint Township, Vienna Township, Montrose Township, City of Flushing, City of Clio, and City of Montrose.

- The "Grand Blanc Court" is located at 8173 S. Saginaw Street, Grand Blanc, Michigan 48439. The "Grand Blanc Court" serves Grand Blanc Township, Mundy Township, and Grand Blanc City.

- The "Flint Court" is located at 630 S. Saginaw Street, Flint, Michigan 48502. The "Flint Court" serves Flint City.

These courts have existed in this framework for approximately 50 years. Yet, in a matter of months, Defendants intend to consolidate many of these courthouses to the courthouse in Flint.[7] This is simply not logistically possible and would result in significant harm to the protected interests of *Amici* and its residents. Plaintiff, in its filings, has concern over the substantial delay and confusion that will result from wiping away 50 years of access to the 67th District Court in one fell swoop.

To explain the significance of such a change, approximately 73% of cases of the 67th District Court are currently handled outside of the courthouse in Flint (Pls' Ex. 7, 2021 67th District Court SCOA Caseload Report). This means that almost three out of every four cases are being handled for *Amici* and their residents in the court conveniently located near those using the court system. Closing courthouses and moving operations to a different courthouse would be a tremendous logistical feat over an extended period of time, even if there were infrastructure to facilitate such a move, which there is not (Pls' Ex. 9, Affidavit of Christopher R. Odette). The result of allowing such a move would necessarily impact access to the 67th District Court:

[7] It is worth noting that the courthouse in Flint is wholly ill-equipped to handle the consolidation of these courthouses. There would be issues related to parking, access for the elderly or disabled, and security. None of these issues have been addressed.

> The abrupt and haphazard approach in which the County has acted with respect to the purported closure of District Courthouses makes it a virtual certainty that jury trials will be delayed or that other hearings that must be expeditiously processed or handled to comply with a constitutional or statutorily mandated timing will be delayed or impeded. [Pls' Ex. 9, Affidavit of Christopher R. Odette.]

These averments by Chief Judge Odette are just the beginning of the problems that would arise, however.

A backlog in the docket of the 67th District Court would result in drastic consequences for the localities in support of this brief. As just one example of how this could play out, say a local unit has an ordinance being violated and it is unable to resolve the process without going to court. The Revised Judicature Act, Chapter 87, provides for the prosecution of municipal civil infractions. MCL 600.8701-8735. A local unit can file a civil infraction citation in the 67th District Court, request an informal or formal hearing, and quickly have the matter resolved, helping to enforce lawfully enacting ordinances. The end-result of this process is ensuring that local units can promote the health, safety, and welfare of its community. This process happened approximately 1,000 times in 2021 across the several courthouses in the 67th District Court (Pls' Ex. 7, 2021 67th District Court SCAO Caseload Report).

If all the courthouses are closed in a matter of months, and the Flint courthouse has to shoulder the load of more than a 2x increase of its caseload, those types of cases are likely to be delayed for months if not years. Otherwise, the County's ill-intended plan may even require additional expenditures to staff the overloaded court system. As those cases stack up unaddressed at the local level, code enforcement will become a nullity as violators will quickly become scofflaws, and blight and other health and safety conditions will not be rectified. The harm that would result from these backlogs is impossible to quantify and would be irreparable. *See Thermatool Corp v Borzym*, 227 Mich App 366, 377 (1998) ("In order to establish irreparable injury, the moving party must demonstrate a noncompensable injury for which there is no legal measurement of damages or for which damages cannot be determined with a sufficient degree of certainty"). This problem would exist for all types of cases (e.g., traffic civil infractions, misdemeanors, felonies) and create a cascade effect to the entire district court system in the County preventing many from accessing the 67th District Court and receiving the minimum service contemplated by the Revised Judicature Act.

The harm that would result to the efficiency of law enforcement is likewise problematic. As Plaintiff points out, law enforcement operations throughout the County "is one of the paramount duties" of the County. *Brownstown Twp v Wayne County*, 68 Mich App 244, 247 (1976). The effect that the consolidation of the 67th District Courthouses would have on these operations is easy to understand. For example, police officers would be forced to frequently make one-hour long trips to the Flint courthouse resulting in time away from protecting the community (Pls' Ex. 11, Compiled Affidavits of Local Genesee County Municipal Officials). With more police officers "on duty" but outside of *Amici*'s jurisdictions, the result would be longer response times to life-threatening situations and less of a police presence in the communities (Pls' Ex. 11, Compiled Affidavits of Local Genesee County Municipal Officials). While the problems are not even isolated if reviewing a single *Amici*'s jurisdiction that is providing its own police service, the issues are further compounded across all out-county local units who would have officers now traveling to a single location. Moreover, even those units not operating their own departments will still be subject to either increased police service costs to maintain a similar presence (even assuming sufficient officers can be hired to fill current shifts), but undoubtedly will actually be paying for County officers to likewise be at the Flint location awaiting various proceedings.

A routine trip to the 67th District Court to drop off a warrant could result in a significantly delayed response to an active shooter situation at an elementary school—not to mention the obvious increased cost. The overall result to the community would be immeasurable (how does one quantify the harm of longer police response times?) and irreparable (how could the community be compensated for this change?). The way the 67th District Court system has existed for the past 50 years has worked. A drastic change by Defendants to consolidate seven courts into one essentially overnight will cause significant consequences to the matters handled by the 67th District Court and create incidental impacts on the operations of law enforcement throughout the County (including the County's own Sheriff's Department and its contracts with local *Amici* townships and other local units with similar contracts). *Amici* are strongly opposed to this type of seismic shift to the 67th District Court because obvious and irreparable harm would result.

III. Defendants' plans to consolidate the 67th District Court are against the public policy goals at the heart of the Revised Judicature Act.

The Michigan Supreme Court has explained how to determine what aligns with public policy: "the court must look to policies that, in fact, have been adopted by the public through various legal processes, and are reflected in the state and federal constitutions, statutes, and the common law." *Rory v Cont'l Ins Co*, 473 Mich 457, 471 (2005). As discussed above, at issue in this case is the right to access the court system. The Revised Judicature Act represented an intent to provide "procedural improvements in civil and criminal actions" and implicitly addresses the public's right to access the court system through the revised organization system of the court system in Michigan. *Woodard v Custer*, 476 Mich 545, 611 (2006).

In the context of establishing the district court system, the Revised Judicature Act specifically addressed the locations of district courts of the first class, which includes the 67th District Court. *See* MCL 600.8251(1). The Revised Judicature Act requires that district courts of the first class "sit" where the county seat is and in other large cities. It also provides the judges with discretion to determine where else the district court should sit. Thus, the public policy that was adopted by the public through the Revised Judicature Act was to create a district court system that could be accessed throughout a county, not just in one single place. The Revised Judicature Act specifically put an emphasis on district courts sitting in localities with populations exceeding a threshold so that those individuals could have convenient access to the court system.

The plans of Defendants cut right against the policy at the heart of the Revised Judicature Act. The actions by Defendants would effectively undo the statutory scheme of the Revised Judicature Act that intended to provide for the 67th District Court to sit throughout the County with operations mandated to exist in large cities. The result would be one main courthouse for all of the 67th District Court with limited operations elsewhere. All individuals (e.g., parties to a lawsuit, jurors, court staff, witnesses, etc.) throughout the County having business in the 67th District Court would be required to travel significantly further than contemplated under the Revised Judicature Act—the result of which is not measurable nor necessary.

Perhaps at this point it is relevant to highlight and address that Defendants contend that this scheme of the Revised Judicature Act is absurd (Defs' Resp, pp 18-19). Defendants specifically argue that it "defies logic and commonsense" that the "County could be forced to provide and fund dozens of court facilities scattered around the County based on the whims and caprice of the

judges" (Defs' Resp, p 18). Based on that argument, Defendants contend the statute cannot be interpreted the way Plaintiff's argue. *See People v Schoenberg*, 161 Mich 88 (1910) (explaining a statute should not be interpreted to provide an absurd result). These arguments by Defendants demonstrate a profound misunderstanding of the context of the authority provided to the 67th District Court and the inherent checks and balances on the judges. The 67th District Court, as discussed above, is required to sit in four cities: City of Flint, City of Fenton, City of Grand Blanc, and the City of Flushing. There are 10 judges in the 67th District Court, which is explicitly provided for by statute. *See* MCL 600.8134. It makes no sense to argue that the judges would establish dozens of courthouses throughout the County. Defendants seemingly believe that this Court could interpret the statute in such a way that would result in the opening of floodgates resulting in courthouses all over the County. Even overlooking the absurdity of that argument, there are mechanisms that would prevent such actions from occurring—namely that the judges of the 67th District Court are elected officials subject to the will of the voters. This situation is no different than any other statute that provides for broad discretion to spend taxpayer money. The remedy for an abuse of that discretion is at the ballot box, which happens frequently in our system of government. Actions taken by the 67th District Court would likewise be subject to the scrutiny of the Michigan Supreme Court. *See* Const 1963, art 6, § 4 ("the supreme court shall have general superintending control over all courts"). The absurd results Defendants contend are possible simply present no basis to avoid a straightforward reading of the statute, which demonstrates the public policy goals at the heart of the Revised Judicature Act is to facilitate courthouses throughout the County at the discretion of the judges of the 67th District Court.

Amici are strongly opposed to the consolidation of the 67th District Court because it violates the public policy goals at the heart of the Revised Judicature Act and undoes the statutory scheme that intended to provide access to the district court throughout the County.

CONCLUSION AND RELIEF REQUESTED

Plaintiff seeks a declaratory judgment, a permanent injunction, and a writ of mandamus to prohibit Defendants from carrying out their plans to consolidate the operations of the 67th District Court. *Amici* believe it is appropriate for this Court to provide Plaintiff with the relief requested because the actions of Defendants are unlawful and unconstitutional.

Respectfully submitted,

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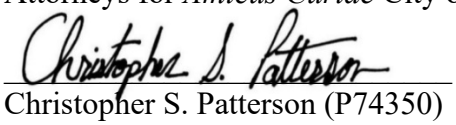

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CERTIFICATE OF COMPLIANCE

1. This brief complies with the volume limitations of MCR 7.212(B) because, excluding the parts of the brief exempted by MCR 7.212(B)(2) this brief contains no more than 16,000 words. This brief contains 5,514 words.

2. This brief complies with the style requirements of MCR 7.212(B)(5) because this brief has been prepared in 1.5 line-spaced text, except for quotations and footnotes, using Microsoft Word in 12-point Times New Roman with one-inch margins.

Respectfully submitted,

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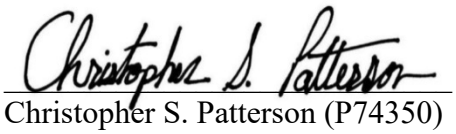

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CERTIFICATE OF SERVICE

I, Kaylin J. Montague, hereby certify that on the 28th day of November 2023, I electronically filed the foregoing document with the ECF system which will send notification of such to all parties of record.

/s/ Kaylin J. Montague
Kaylin J. Montague