

# Mika Meyers<sup>PLC</sup>

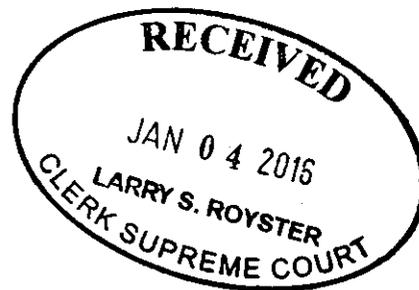
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December 29, 2015

Clerk of the Court  
Michigan Supreme Court  
Hall of Justice – 4th Floor  
P.O. Box 30052  
Lansing, MI 48909



Re: *Clam Lake Township et al. v The State Boundary Commission et al.*  
Wexford County Circuit Court Case No. 14-25391-AA  
Court of Appeals Docket No. 325350  
Supreme Court Docket No. 151800

Dear Clerk:

This letter is intended to be responsive to the December 22, 2015 letter from the Attorney General's office to your office, which relates to the Application for Leave to Appeal that is now pending before the Court in Docket No. 151800.

In that letter, the Attorney General takes the legal position that "one of the two questions raised in Plaintiffs-Appellants' Application for Leave to Appeal is moot as a matter of fact" – allegedly as a result of the Court of Appeals' December 8, 2015 decision in *TeriDee, LLC, et al v Charter Twp of Haring, et al*, COA Docket No. 324022 (the "*TeriDee* lawsuit").

The Attorney General's correspondence is improper. If the Attorney General believes that any aspect of the Application for Leave to Appeal is moot, the proper course of action would be for the Attorney General's office to file an appropriate Motion under MCR 7.313. The Attorney General's office should know better than to use informal correspondence with the Clerk's office of a means of attempting to procure substantive relief from the Court.

That said, the Attorney General's letter is both premature and uninformed. It is premature because the Court of Appeals' decision in the *TeriDee* lawsuit is not effective until the time for filing an application for leave to appeal to the Supreme Court has expired, which will not be until January 20, 2016. See MCR 7.215(F)(1)(a).

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The Attorney General's letter is uninformed because Plaintiffs-Appellants have already authorized and will timely file an Application for Leave to Appeal from the Court of Appeals' decision in the *TeriDee* lawsuit, which means that the Court of Appeals' decision in the *TeriDee* lawsuit will not be effective, if at all, until "after disposition of the case by the Supreme Court." MCR 7.215(F)(1)(a).

Therefore, until such time as the Supreme Court has made a decision on the Application for Leave to Appeal that will be timely filed in the *TeriDee* lawsuit, no conclusion can be drawn about whether any aspect of the Application for Leave in Docket No. 151800 is moot.

Accordingly, the Clerk's office should take no action with respect to the Attorney General's improper, premature and uninformed correspondence.

Yours very truly,



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Clam Lake Township and Haring Charter Township

mll

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