

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

MICHAEL ARCHAMBAULT,

Plaintiff,

v

NO: 19-178366-CZ
HON. MICHAEL WARREN

CITY OF PONTIAC, et al.,

Defendants.

ORDER

- (1) DENYING TEMPORARY RESTRAINING ORDER AND
(2) ORDERING SHOW CAUSE HEARING REGARDING PRELIMINARY INJUNCTION ON
WEDNESDAY 12/11/19 AT 8:30 A.M.

The Plaintiff has submitted an Emergency Motion for Temporary Restraining Order, Order of Preliminary Injunction, and Order to Show Cause. The Court has reviewed the Motion and other related submissions. For the reasons *infra*, the request for a temporary restraining order is denied; however, a Show Cause Hearing regarding a Preliminary Injunction shall be conducted:

The request for a temporary restraining order is denied because the Plaintiff has failed to demonstrate by specific facts set forth in an affidavit or verified pleading that irreparable injury, loss, or damage will result from the delay required to *effect notice or that notice itself will precipitate adverse action before an order can be issued*. MCR 3.207(b); MCR 3.310(B)(1)(a). In fact, the Plaintiff acknowledges that a copy of the Motion was e-served on the Defendants. Furthermore, assuming the Plaintiff is correct that the Mayor of the City of Pontiac has usurped the City Clerk's duties, he and other potential applicants will have the opportunity to submit an application in the time window announced by the City Clerk (January 6 to 27, 2020); if the Plaintiff is wrong, then he and other potential applicants still have the opportunity to meet the deadline set by the Mayor. How suspending the Mayor's application process causes *irreparable* harm escapes the Court. As such, no temporary restraining order is warranted.

Notwithstanding the foregoing, for the reasons articulated in the Motion and the Complaint, the Plaintiff has met the burden to warrant a hearing on a preliminary injunction. As such:

- (1) The parties are **ORDERED TO APPEAR ON WEDNESDAY, DECEMBER 11, 2019 at 8:30 a.m.** or as soon thereafter as the case is called **TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT BE ISSUED AGAINST THE DEFENDANTS.**
- (2) In connection with same, the **DEFENDANTS MUST FILE and SERVE a WRITTEN RESPONSE BY 9:00 A.M. ON TUESDAY DECEMBER 10, 2019.**
- (3) **NO Reply is allowed without leave of Court.**

DATED December 6, 2019

/s/Michael Warren

HON. MICHAEL WARREN
CIRCUIT COURT JUDGE

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