

# Memo

**To:** Township Board  
**From:** Holly Brandt, Clerk  
**Date:** November 14, 2018  
**Re:** Joel Hack & Wren Beaulieu-Hack Litigation vs. Charter Township of Milford

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On October 17, 2018, a lawsuit was filed in the Oakland County Circuit Court by Joel Hack and Wren Beaulieu-Hack against Milford Township, its Board of Trustees, Supervisor Donald Green and Building Official Timothy Brandt (see attached). The case, which arises out of the Hacks' development of a 3.15-acre parcel of land located at 2610 Pearson Road, Milford Township, was assigned to Judge Martha Anderson. The lawsuit seeks declaratory relief, alleging that the actions of the Township and its officials amounted to inverse condemnation, violating Plaintiffs' right to due process, and seeking damages under 42 USC §1983 and attorneys' fees pursuant to 42 USC §1988. The law firm of O'Connor, DeGrazia, Tamm & O'Connor, P.C. has been retained through the Michigan Municipal League Liability and Property Pool to represent the interests of the Township and its officials.

Along with the Complaint, Plaintiffs obtained a Show Cause Order to show why a preliminary injunction should not be issued (see attached). A hearing on the Show Cause Order was scheduled for October 31, 2018. Plaintiffs' counsel also subpoenaed representatives of the Township's engineering consultant, HRC, to appear at that hearing. The Township's attorneys immediately attempted to mediate the dispute, but Plaintiffs' counsel continued to be overly aggressive and resistant to any facilitative efforts.

As Plaintiffs' Complaint alleged claims arising out of the United States Constitution and 42 USC §1983, the United States District Court has original jurisdiction over the claim. Civil rights claims may also be removed to federal court pursuant to 28 USC §1443, so it was determined by the Township's legal counsel that federal court would be a better venue for this action. Notice of Removal was filed on October 24, 2018 (see attached), vesting jurisdiction in the U.S. District Court. Oakland County Circuit

Court filed the attached Order for Administrative Closing on October 26, 2018, and the afore-mentioned show cause hearing was cancelled.

Along with the Notice of Removal to federal court, the Township's legal counsel filed an Answer to Plaintiffs' Complaint (see attached), and the case was assigned to Judge Marianne O. Battani. After receiving the Removal, Plaintiffs' counsel indicated that he was going to request an immediate Rule 26(f) conference with the federal court, but the Township has not yet received any notice from the Court in regard to any such scheduling.