

Memo

To: Township Board
From: Holly Brandt, Clerk
Date: March 20, 2019
Re: Belle Terre Litigation – Milford Hills Properties/RPL of Michigan vs. Charter Township of Milford

In regard to Case No. 2017-162642-CZ, concerning the Milford Hills litigation, the following events/filings have occurred since our February litigation summary was submitted to the Township:

- February 15, 2019 – In order to comply with the Court’s deadline, the Township filed its Motion for Summary Disposition (sent separately from this email, along with a separate email with the exhibits, due to the size of the files). In its Motion, the Township claims that: Milford Hills has failed to establish a contract with or promise by the Township to rezone the subject property; the tort claims against the Township should be dismissed on the grounds of governmental immunity; the Township’s Zoning Ordinance is presumed constitutional; and that there is no genuine issue of material fact, the zoning was not unreasonable, and the action taken did not amount to a taking of Milford Hills’ property.
- February 22, 2019 – The Court issued the attached Scheduling Order for the Township’s Motion for Summary Disposition, setting forth a hearing date of May 15, 2019.
- February 27, 2019 - Because the parties agreed to Facilitation, the Township filed the attached Motion to Adjourn the scheduling order dates related to its Motion for Summary Disposition, and requested that the Court delay scheduling a hearing on the motion until after Facilitation.

- March 6, 2019 – A hearing was conducted on the Motion to Amend Scheduling Order, whereby the Township sought to extend the trial date by 90 days in order to allow the parties to proceed with Facilitation. The Township's motion was unopposed, and the Court granted its request.
- March 11, 2019 – The Court issued a Calendar Conference Order, setting forth the following revised litigation schedule:

All motions shall be heard by July 17, 2019 (including the Township's pending Motion for Summary Disposition)
Trial shall be scheduled for August 19, 2019

In addition, Facilitation has been set for April 18, 2019 with attorney Alan Greene from Dykema Gossett.