

Memo

To: Township Board
From: Holly Brandt, Clerk
Date: June 19, 2019
Re: Joel Hack & Wren Beaulieu-Hack Litigation vs. Charter Township of Milford

In regard to the Joel Q. Hack, et. al. (Plaintiffs) vs. the Charter Township of Milford, et. al. (Defendants) US District Court litigation, the following pleadings were filed (most will be sent in separate emails) and the following proceedings occurred:

- May 10, 2019 – Judge Battani issued a Civil Trial Management Order, which indicated that Motions in Limine were due by June 10, 2019; the final Pretrial Conference and hearing on Motions in Limine was set for July 10, 2019; and the Jury Trial was set for July 16, 2019 (attached to this email).
- May 15, 2019 – Telephone hearing with Court regarding Plaintiffs' Motion to Compel Emails in Possession of Third-Party, Motion for Entry of Qualified Protective Order, and the Township's Motion for Leave to File a Second Motion for Summary Judgment. Judge Battani advised the parties that she was preparing an Opinion and Order on the Township's pending Motion for Summary Judgment which was heard in February. Judge Battani ordered that the Township could not conduct ex-parte meetings with the Defendants' physicians, but that the parties needed to work out full disclosure of all medical records. The Court also ordered that certain privileged emails be presented to the Court for in-camera review so that the Court can decide if those communications may be disclosed. Finally, Judge Battani ordered that the Township was allowed to file an addiotnal Motion for Summary Judgment in order to dismiss the public officials from the litigation based upon qualified immunity.
- May 17, 2019 – The Township filed an Amended Witness List with the Court, and its 2nd Supplemental Rule 26 Disclosures with the Plaintiffs (both attached to this email).

- May 23, 2019 – Judge Battani entered a Stipulated Order Regarding Disclosure of Protected Health Information, as directed by the Court at the May 15, 2019 hearing (attached to this email).
- May 29, 2019 – The Township deposed Jeff Boutell, the owner of Highland Septic who performed all of the grading work on Plaintiffs' property.
- May 30, 2019 – Plaintiffs filed an Emergency Motion for Preliminary Injunction with the Court, requesting that the Court prohibit the Township from stopping the implementation of driveway improvements by Plaintiffs, as set forth in their own Boss Engineering plans (Motion, Index and Exhibits A-W sent separately).
- June 3, 2019 – The Court issued an Order Regarding Various Motions, reiterating the Court's directives at the May 15, 2019 hearing regarding summary judgment and privileged emails. The Court also issued an Opinion and Order concerning the Township's Motion of Summary Judgment, which was heard in February (both Orders attached to this email). In that Order, Judge Battani dismissed Plaintiffs' unconstitutional takings claims and ruled that Plaintiffs abandoned their procedural due process claim, but allowed the substantive due process claims to remain so that the parties could conduct additional discovery.
- June 10, 2019 – Township filed a Motion in Limine to preclude the Plaintiffs from referencing any other prior lawsuits or citizen complaints involving the Township (Motion sent in separate email).
- June 10, 2019 – Township filed a Motion in Limine to preclude Plaintiffs from referencing the Township's liability insurance (Motion and Exhibit A sent in separate email).
- June 10, 2019 – Township filed a Motion in Limine to preclude Plaintiffs from arguing at trial that the Township was motivated by religious discrimination (Motion, Index and Exhibits A-D sent separately).
- June 10, 2019 – Township filed a Motion in Limine to preclude Plaintiffs from arguing at trial that the Township's failure to require previous property owners to obtain fill and grade permits is evidence that the Township discriminated against Plaintiffs (Motion, Index and Exhibit A-C sent separately).
- June 10, 2019 – Township filed a Motion to Adjourn the Civil Management Trail Dates set by the Court for 90 days based upon the filing of Plaintiffs' Motion for Preliminary Injunction and other pending motions which must be resolved prior to trial (Motion sent in separate email). The Township's Motion to Adjourn and Plaintiffs' Motion for Preliminary Injunction are set for hearing on June 20, 2019.
- June 13, 2019 – Township filed its Response to Plaintiffs' Motion for Preliminary Injunction, requesting that the Court deny Plaintiffs' Motion because Plaintiffs failed to satisfy the requirements for a preliminary injunction, Plaintiffs will not suffer irreparable harm if injunctive relief is not granted, the balance of hardship weighs

in favor of the Township, and issuance of an injunction would not serve the public interest (Motion, Index and Exhibits A-N sent separately).

- June 14, 2019 – Township filed its Second Motion for Summary Judgment, requesting dismissal of the case based on the grounds that Plaintiffs have failed to establish that the Defendants' actions constituted an egregious, arbitrary abuse of government power that "shocks the conscience," and that Donald D. Green and Timothy C. Brandt are entitled to summary judgment of Plaintiffs' claim on grounds of qualified immunity (Motion, Index and Exhibits A-N sent separately). A hearing date has not yet been set for this Motion.