

# Memo

**To:** Township Board  
**From:** Holly Brandt, Clerk  
**Date:** August 16, 2019  
**Re:** Joel Hack & Wren Beaulieu-Hack Litigation vs. Charter Township of Milford

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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 (sent to the Township Drop Box) and the following proceedings occurred:

- July 11, 2019 – The Court filed a Stipulated Qualified Protective Order and Order Granting Plaintiffs’ Motion to Amend/Correct.
- July 12, 2019 – The Township filed its Reply to Response to Second Motion for Summary Judgment.
- July 16, 2019 – A hearing was conducted by the Court on the Township’s Second Motion for Summary Judgment. As you will recall, the Township argued that Plaintiffs failed to present a question of fact regarding a violation of their substantive due process rights by violating an established right or through arbitrary and capricious acts. The Township also argued that Donald Green and Tim Brandt were entitled to qualified immunity because Plaintiffs did not show a violation of a clearly established right for which a reasonable official would have known they were violating. Following the oral argument, which lasted approximately one hour, Judge Battani ruled that questions of fact existed regarding whether Plaintiffs’ substantive due process rights were violated, and a question of fact existed as to whether Mr. Green and Mr. Brandt were entitled to qualified immunity, so she denied the Township’s Motion.
- July 17, 2019 - Voir Dire of the jury begun and concluded, and the jury was impaneled.

- July 18, 2019 – Arguments at Jury Trial begun and continued until July 29, 2019. Essentially, Plaintiffs’ argued that they had a constitutional right to “effective access to and from their property,” and that the Township had never before imposed similar requirements on other residential property owners. The Township argued that it had not denied Plaintiffs access to their property, and that the actions taken by the Township were reasonable and intended to protect both the Plaintiffs’ and neighboring property owners.
- July 24, 2019 – An Order Regarding Pending Motions was filed by the Court. Judge Battani granted three of the four Motions In Limine filed by the Township and denied the Township’s Motion For Summary Judgment.
- July 25, 2019 – The Township filed a Motion for Judgment as a Matter of Law, which contained similar arguments to those presented in the Township’s Second Motion for Summary Judgment.
- July 26, 2019 – Plaintiffs filed their Response to the Township’s Motion for Judgment as a Matter of Law in Opposition to Defendants’ Motion for Judgment.
- July 29, 2019 – The Court held a hearing on the Township’s Motion for Judgment as a Matter of Law, and denied the Township’s Motion. Jury deliberation was also held, and deliberations continued until July 31, 2019.
- July 31, 2019 - Jury deliberation was completed and a Jury Verdict was reached. The jury concluded that Section 32-583 of the Township Code was arbitrarily and capriciously applied to the Plaintiffs’ property, and that the additional requirements recommended by the Township engineer and approved by the Township Board at its October 17, 2018 Board meeting were inappropriate. The jury further concluded that the Township, Supervisor Green and Building Administrator Brandt violated Plaintiffs’ rights to due process, awarding economic damages in the amount of \$10,000.00 each to Mr. and Mrs. Hack, along with \$119,000.00 in emotional distress damages to Mr. Hack and \$55,000.00 in emotional damages to Mrs. Hack. The jury also awarded punitive damages in the amount of \$200,000.00 against the Township Board, \$5,000.00 against Supervisor Green and \$1,000.00 against Building Administrator Brandt. The Township Board was also listed under the punitive damages section. As a result of the verdict, Plaintiffs are also entitled to recover attorney fees.
- August 5, 2019 – Judge Battani signed and filed an Injunction and Declaratory Judgment, an Order Denying Motion for Judgment, and a Judgment in favor of Plaintiffs against Defendants. The Court thereby ordered that the township ordinance was unlawfully applied to Plaintiffs’

property, and set aside the June 13, 2018 Cease and Desist letter. As part of its orders, the Court also enjoined the Township from interfering with Plaintiffs' completion of the driveway and drainage plan pursuant to the Boss Engineering plan.

- August 8, 2019 – The 5-17-19 transcript of the testimony of Donald Green, and the 2-20-19 and 3-13-19 transcripts of the testimony of Michael Darga, and the 4-30-19 transcript of the testimony of Valerie Mamo was filed with the Court by the Plaintiffs in connection with post-judgment matters.
- August 9, 2019 – Plaintiffs filed a Bill of Costs with the Court, which sought reimbursement of \$5,902.45 in statutory costs.
- August 12, 2019 – The Court awarded Costs Taxed against the Township in the amount of \$330.50. The Court rejected the filing fee reimbursement request because the complaint had not originally been filed in federal court. Plaintiffs' request for reimbursement of service and deposition fees were also rejected by the Court because Plaintiffs failed to document how the deposition transcripts were used during trial.
- August 13, 2019 – Plaintiffs filed a Motion for Attorney Fees and Costs Pursuant to 42 U.S.C. § 1988 and Fed. R. Civ. P. 54(D)(2), requesting \$209,903.50 in attorney fees, \$7,365.98 in costs and \$9,246.25 in expert fees and costs. The Township's legal counsel will soon file its response to that motion.

The Township is currently discussing its appeal remedies and other post-judgment matters with its legal counsel and liability insurance company.