

Memo

To: Township Board
From: Holly Brandt, Clerk
Date: October 11, 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, as you will recall, the Township filed a Renewed Motion for Judgment as a Matter of Law Pursuant to Fed. R. Civ. P. 50(B), For a New Trial Pursuant to Fed. R. Civ. P. 59, and For Remittitur on September 3, 2019. That Motion requested the Court to set aside the jury's verdict, rescind any injunctive or declaratory relief in Plaintiffs' favor, enter judgment in favor of Defendants, and dismiss Plaintiffs' claims with prejudice. The Township argued: (i) that the jury's verdict was against the weight of evidence because Plaintiffs substantive rights were not violated; (ii) qualified immunity barred Plaintiffs' individual claims against certain officials; (iii) there was no evidence of deliberate policymaker indifference, and the Township's policies were not the moving force behind Plaintiffs' alleged injuries; (iv) Plaintiffs alleged injuries were a direct result of Plaintiffs' poor decision making, bad weather and historic flooding; and (v) the jury's compensatory damages award was excessive and municipal entities are not subject to punitive damages.

The Court has not yet scheduled a hearing for that Motion, but the following pleadings were also filed:

- 9/24/19 – Plaintiffs filed the attached Response to the Township's Renewed Motion for Judgment as a Matter of Law pursuant to Fed. R. Civ. P. 50(b), for a New Trial pursuant to Fed. R. Civ. P. 59, and for Remittitur, asserting again that their substantive due process rights were violated by the Township, and that Plaintiffs had a protected property interest of access, which was deprived by the Township's actions. Plaintiffs further claim that Defendants Green and Brandt were not entitled to qualified immunity, and that the Township and the Township Board is directly liable for those individual Defendants' "wrongdoing." Plaintiffs' Response also

addressed compensatory and punitive damages by arguing that sufficient evidence had been presented to support the jury's award.

- 10/7/19 – The Township filed the attached Reply to Response to Renewed Motion for Judgment as a Matter of Law pursuant to Fed. R. Civ. P. 50(b), for a New Trial pursuant to Fed. R. Civ. P. 59, and for Remittitur