UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT DASCOLA,

Plaintiff,

vs.

Case No. 2:14-cv-11296-LPZ-RSW
Hon. Lawrence P. Zatkoff
Magistrate Judge R. Steven Whalen

CITY OF ANN ARBOR and JACQUELINE BEAUDRY, ANN ARBOR CITY CLERK,

Defendants.

Thomas Wieder (P33228)
Attorney for Plaintiff
2445 Newport Rd.
Ann Arbor, MI 48103
(734) 994-6647
wiedert@aol.com

Office of the City Attorney
Stephen K. Postema (P38871)
Abigail Elias (P34941)
Attorneys for Defendants
301 E. Huron St., P.O. Box 8647
Ann Arbor, MI 48107
(734) 794-6170
spostema@a2gov.org
aelias@a2gov.org

PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO STATE CLAIMS UPON WHICH RELIEF MAY BE GRANTED

Plaintiff responds to the Motion as follows:

1. Admitted.

2. Admitted.

3. Plaintiff admits that there have been some changes in state and federal law regarding candidate eligibility requirements. Plaintiff denies that it is undisputed that one year residency and voter registration requirements are constitutional.

4. Plaintiff denies that a state Circuit Court has held that Section 12.2 of the City Charter is constitutional, because the court considered only part of the section.

5. Plaintiff asserts that the City is required to comply with the holdings of the two prior cases decided by this Court as described in Paragraph 2 hereof.

6. Admitted.

7. This allegation requires no response.

Wherefore, Plaintiff asks that the Court deny this Motion and grant no relief to Defendants.

/s/ Thomas F. Wieder
Thomas F. Wieder (P33228)
Attorney for Plaintiff

Dated: April 18, 2014

CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2014, I electronically filed the foregoing document with the Clerk of the Court using the ECF System which will send notice of such filing to the following: Stephen K. Postema and Abigail Elias.

/s/ Thomas F. Wieder
Attorney for Plaintiff

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BRIEF IN SUPPORT OF PLAINTIFF'S
RESPONSE TO DEFENDANTS' MOTION TO DISMISS

STATEMENT OF ISSUES PRESENTED

Should Plaintiff's Complaint be dismissed for failure to state a claim when he has clearly shown that the cases voiding provisions of the Ann Arbor City Charter regarding candidate eligibility are still valid and binding and entitle him to have his name placed on the ballot?

Plaintiff answers: No.

This Court should answer: No.

Should this Court reject Defendants' attempts to relitigate the constitutionality of the provisions of Section 12.2 of the Ann Arbor City Charter declared unconstitutional and void by this Court?

Plaintiff answers: Yes.

This Court should answer: Yes.

CONTROLLING AUTHORITY

Daniel J. Feld, et al v. City of Ann Arbor and Harold Saunders, File No. 37342 (E.D. Mich. 1972)

Human Rights Party, David F. Black and Mark Dickman v. City of Ann Arbor and Harold Saunders, City Clerk of Ann Arbor, File No. 37852 (E.D. Mich. 1972)

INTRODUCTION

The City of Ann Arbor tries to portray itself as a hapless victim of the Plaintiff and his attorney. "But Plaintiff's complaint argues that only in Ann Arbor are such eligibility requirements unconstitutional." (Defendant's Brief in Support of Its Motion to Dismiss, p. 2.) "Plaintiff's claim that the City of Ann Arbor is the only city in Michigan that cannot enforce their one year eligibility requirements is without legal merit." (Ibid., p. 19.) The City also portrays itself as a staunch defender of its citizens' desire to have strict eligibility requirements.

The City implies that Plaintiff Dascola is some sort of aggressive interloper who is trying to exploit legal loopholes so he can parachute into the city and do political mischief.

Fortunately, neither of these portrayals bears any resemblance to the truth.

As a result of this Court's rulings in Daniel J. Feld, et al v. City of Ann Arbor and Harold Saunders, File No. 37342 (E.D. Mich. 1972) (hereinafter "Feld"), and Human Rights Party, David F. Black and Mark Dickman v. City of Ann Arbor and Harold Saunders, City Clerk of Ann Arbor, File No. 37852 (E.D. Mich. 1972) (hereinafter "HRP"), the City was left with absolutely no eligibility requirements for candidates for Mayor or City Council. The Feld decision removed the one-year ward residency requirement for Council candidates. The HRP decision removed everything else by voiding the one-year voter registration requirement. The requirement that all candidates be registered electors of the City for one year before the election subsumed the requirements that they be citizens of the United States, of voting age and residents of the

City for at least a year. Nothing was left, at least in the Charter, which would prevent an underage, alien, nonresident of Ann Arbor from running for City office.

In response to these legal developments, what did the City do? Did it appeal either the Feld or HRP decisions? No. Did it draft new requirements that might meet constitutional standards and ask its voters to approve them? No. For over thirty years, it did nothing. The City began a practice, based on no apparent authority, of accepting nominating petitions for Mayor or Council from any person who was a registered voter of the City (or Ward) at the time of filing the petitions. The voided sections of the Charter were, basically, ignored and forgotten.

For example, Democrat Lawrence Kestenbaum was allowed to run for Fourth Ward Councilmember in 1999, even though he had not lived in the ward for one year.

In 2001, Scott Wojack filed petitions to run for Council as a Republican against incumbent Democrat Robert Johnson in the city's First Ward. Although he had been a registered voter in the city for some time, he had moved within the city during the previous year and had not been residing in the First Ward for a year. Unless Mr. Wojack appeared on the ballot, Mr. Johnson would be running unopposed.

The City Clerk rejected Mr. Wojack's petitions because he had not resided in the First Ward for one year. This was somewhat curious, as it seemed that the Clerk had not been following and applying the voided residency requirement for some time.

Mr. Wojack, and several other persons, including a former Ann Arbor City Attorney, brought to the attention of the City the Feld and HRP cases. No one in the City Clerk's Office or the Office of the City Attorney seemed to be aware of those cases. The City was unable to locate records of the cases. The City was soon provided with copies

of the one Opinion and two Orders in those cases by the attorney retained by Mr. Wojack, who is Plaintiff's counsel in this case.

After receipt of those materials, City Attorney Abigail Elias informed Mr. Wojack's counsel that the City's position was unchanged, and his name would not appear on the ballot. Mr. Wojack then filed suit against the City (Wojack v. City of Ann Arbor, Washtenaw County Circuit Court case No. 01-1142) (hereinafter "Wojack") to require it to place his name on the ballot. The City then reversed course and agreed to allow Mr. Wojack's name to appear on the ballot, abandoning its attempt to enforce the voided Charter provision. It did maintain its Counterclaim for a declaratory ruling on the validity of the previously voided one-year ward residency Charter provision.

While the City asserts that the decision in Wojack, purporting to reverse this Court's ruling in Feld, allows it to enforce the one-year ward residency requirement, the City has done nothing to insure that it has any other enforceable eligibility requirements. If it feels beleaguered by additional litigation in this area, it has no one to blame but itself.

The City claims the right to re-employ voided Charter provisions when there has been a material change in the law. It hasn't been very diligent or consistent in that. Two of the three residency requirements cases which it lists in its Brief as Controlling Authority are City of Akron v. Biel, 660 F2d 166 (CA 6 1981) and Joseph v. Birmingham, 510 F Supp 1319 (1981), both decided in 1981, but there is no evidence the City paid any attention to these cases until twenty years later, when Mr. Wojack submitted his petitions in 2001. This is a major problem with the City's entire argument. If laws voided by a federal court can be revived by a material change in the law, how is it

decided that the change has occurred and who decides it? The City seems to believe that it is free to make that decision, using its own standards and fail to comply with orders of this Court.

Since the City seems determined to have this Court perceive Mr. Dascola as a threat to the interests a city may have in durational residency or registration requirements, it would be useful to have some additional factual context which surrounds the legal arguments. The interests of communities in having such requirements have been described as follows:

> (1) The interest in exposing candidates to the scrutiny of the electorate, so voters may make informed choices; (2) the interest in protecting the community from outsiders who are interested in their own selfish ends and not seriously committed to the community; and the interest in having officeholders who are familiar with the problems, interests and feelings of the community.
>
> Joseph v. City of Birmingham, 510 F.Supp. 1319, 1336 (1981).

It is important to note that, for purposes of this Motion, the City assumes that Plaintiff Dascola meets the one-year residency requirement. That means that the only issue is the viability of the voter registration requirement. There seems to be almost nothing written about how this requirement would additionally serve the interests of the community beyond what the residency requirement provides.

Robert Dascola is nothing like the hypothetical individual whom durational eligibility requirements are designed to exclude. Mr. Dascola is 68 years old and was born and raised in the City of Ann Arbor. Except for a few years when he briefly attended college and served in the U.S. Army in Viet Nam, he has lived in the Ann Arbor area. Sometimes, he has lived within the City limits; sometimes he has not.

Mr. Dascola has spent his entire career as a barber, always working in the City of Ann Arbor. For the past ten years, he has been on the Board of the State Street Area Association. He is a founder of Fire Up Downtown and Friends of West Park (a city park). He was appointed to the Allen Creek Storm Water Management Committee, which deals with a major infrastructure element in the City of Ann Arbor.

ARGUMENT

Since the Defendants are assuming, for purposes of this Motion, that Plaintiff meets the one-year residency requirement, the only issue to be considered here is the viability of the previously voided section of the Ann Arbor City Charter dealing with the duration of voter registration of potential candidates. In their Brief, Defendants confusingly treat durational residency requirements and voter registration requirements as one and the same. Plaintiff argues that the current law on these two subjects is widely different in several respects.

Defendants state: "It cannot be seriously disputed that one year durational requirements are constitutional in Michigan under both federal and state law." (Defendants' Brief, p. 2) Plaintiff disagrees, but need not argue the point here. Residency duration requirements are irrelevant to the discussion of this Motion, because Defendants assume, for purposes of this Motion, that Plaintiff meets the residency requirement in the Charter that was previously voided.

Plaintiff asserts that the constitutionality of voter registration requirements is far less clear. There is little discussion in reported cases, and there are few cases which have

ruled on the constitutionality of voter registration requirements being applied in addition to residency requirements.

Defendants make several bizarre claims about Plaintiff's Complaint:

> Plaintiff's complaint, by neglecting to cite all of the current law on this issue, implicitly recognizes that any city in Michigan could constitutionally have such one year election eligibility requirements. But Plaintiff's complaint argues that only in Ann Arbor are such eligibility requirements unconstitutional. Defendant's Brief, p. 2.

Plaintiff can locate no court rule or other authority requiring a complaint to cite all of the current law on an issue, and failure to do so constitutes some sort of admission. Plaintiff does not acknowledge that any city in Michigan could have unspecified "one year eligibility requirements." Plaintiff's Complaint says nothing that could be reasonably construed as declaring that "only in Ann Arbor are such eligibility requirements unconstitutional." Plaintiff has no idea if eligibility requirements of other Michigan cities have been found unconstitutional. Perhaps, Ann Arbor is the only city where there was a successful challenge leading to the voiding of charter provisions.

Since Defendant is assuming Plaintiff meets the residency requirement, there is little need to revisit the Wojack case, because that dealt only with the residency requirement.

In reciting facts regarding the Wojack case, Defendants stated that "the parties agreed to allow Mr. Wojack to be on the ballot…" (Defendants' Brief, pp.5-6.) Getting on the ballot was the only relief Mr. Wojack sought in his lawsuit. The City essentially capitulated, perhaps showing its own doubts about its position of trying to keep him off the ballot based on voided Charter provisions.

Defendants rely heavily on Barrow v. City of Detroit, 301 Mich.App. 404 (2013), but that reliance is misplaced. That decision upheld the constitutionality of a charter provision requiring that a candidate must be a registered voter for one year before the election.

The challenge to the constitutionality of the charter provision was based solely on the constitutional right to travel, and the court's ruling is limited to saying that the voter registration requirement did not implicate or violate the constitutional right to travel. The court did not consider other possible challenges to the law, based on the First Amendment, the right to vote or equal protection, because they were not made by the parties in that case.

The Barrow decision is unpersuasive on the issue of voter registration requirements and seems to conflate them with durational residency requirements.

> We now turn to the governmental interests asserted in support. Aside from the language in the charter commentary, we consider that durational residency requirements serve three principal state interests: " 'first, to ensure that the candidate is familiar with his constituency; second, to ensure that the voters have been thoroughly exposed to the candidate; and third, to prevent political carpetbagging[.]' " Lewis v. Guadagno, 837 F.Supp.2d 404, 414 (D.N.J., 2011)(citation omitted). Stated differently, the significant governmental interests include:
>
> (1) the interest in exposing candidates to the scrutiny of the electorate, so voters may make informed choices; (2) the interest in protecting the community from outsiders who are interested only in their own selfish ends and not seriously committed to the community; and (3) the interest in having officeholders who are familiar with the problems, interests, **511 and feelings of the community. (Joseph, 510 F.Supp. at 1336.) Barrow, at p. 424.

The quoted language is the language used in two different cases to set forth the governmental interests in durational residency requirements. It identifies no interest which is furthered by the addition of a voter registration requirement. The Barrow decision makes out no case, whatsoever, that the addition of a voter registration requirement to a durational residency requirement serves any governmental interest.

A one-year voter registration requirement does raise concerns about equal protection, the right to vote and First Amendment protections. Some examples come to mind. Newly naturalized citizens would have a smaller set of political rights than other citizens. Since an individual cannot register to vote until naturalized, the newly naturalized citizen would be denied the right to run for Mayor or City Council for, at least, a year, regardless of how long he or she had resided in Ann Arbor.

The one-year voter registration requirement contains what is, essentially, a somewhat hidden, unidentified and probably unintended age restriction on who may run for office. Since no one may register to vote before his or her eighteenth birthday, no Ann Arbor resident would be eligible to run for City Council or Mayor until his or her nineteenth birthday. It is doubtful that the City, and its voters, ever considered this effect of the language, or that the City could identify any governmental interest in singling out 18-19-year-olds to be the only persons of voting to age to be excluded from running for office.

Without citing language from any decision finding that a durational voter registration requirement serves a governmental interest, Defendants simply provide their own conclusion on the subject: "The durational voter registration requirement is a reasonable eligibility requirement for a candidate." Defendants' Brief, p. 12.

How does the Barrow decision affect the HRP decision? Plaintiff asserts that it has no effect, whatsoever. The state court has no authority to overrule the prior federal decision and did not claim to do so. Defendants do not even describe a mechanism by which the Barrow decision undoes the HRP decision.

Defendants' position relies heavily on there having been a material change in the law, but it identifies none with regard to voter registration requirements. It identifies almost no law on the subject, at all.

This situation once again raises the issue of revival, but that approach will not help Defendants. The Ann Arbor Charter provision was declared unconstitutional and void in HRP. The Barrow decision did not reverse the HRP decision and its mere existence does not nullify the earlier decision. As discussed fully in Plaintiff's Brief in Support of Motion for Summary Judgment and Plaintiff's Reply Brief in Support of Motion for Summary Judgment, incorporated here by reference, revival is only seen to arise when the original "invalidating decision" is subsequently reversed, negating the finding of unconstitutionality and the determination of voidness. That has not happened here.

Perhaps, the biggest stumbling block for Defendants is the effect of the Charter provision having been declared unconstitutional and void. As discussed fully in Plaintiff's Brief in Support of Motion for Summary Judgment and Plaintiff's Reply Brief in Support of Motion for Summary Judgment, the result of the voiding of the Charter provision is to render it "as if never written." It cannot be relitigated, because it no longer exists.

Defendants engage in an extensive discussion of the changes in the standard of review applied in durational residency cases and how that has affected outcomes. Virtually none of it deals with voter registration requirements, the issue here. None of this addresses the status of the voided Charter section.

Defendants apparently acknowledge that relitigation of the constitutionality of the voter registration requirement in Section 12.2 would be barred by the application of collateral estoppel, absent circumstances which constitute an exception to that principle. Defendants cite several cases which they claim support an exception in this case, but they are all distinguishable from the present case and most do not even involve the granting of an exception.

Internal Revenue Comm'r v. Sunnen, 333 US 591 (1948), cited by Defendants for this exception principle, is not applicable to this case. The Supreme Court discussed the application of collateral estoppel in context of tax litigation:

> But collateral estoppel is a doctrine capable of being applied so as to avoid an undue disparity in the impact of income tax liability. A taxpayer may secure a judicial determination of a particular tax matter, a matter which may recur without substantial variation for some years thereafter. But a subsequent modification of the significant facts or a change or development in the controlling legal principles may make that determination obsolete or erroneous, at least for future purposes. If such a determination is then perpetuated each succeeding year as to the taxpayer involved in the original litigation, he is accorded a tax treatment different from that given to other taxpayers of the same class. As a result, there are inequalities in the administration of the revenue laws, discriminatory distinctions in tax liability, and a fertile basis for litigious confusion. Sunnen, at p. 599.

This decision is designed to prevent an application of collateral estoppel which would result in such things as inequities in the administration of the tax laws, discriminatory

distinctions in tax liability, etc. Such factors are not present in this case, and an exception to the usual application of the principle of collateral estoppel is not justified.

Similarly, Tipler v. E.I. du Pont de Nemours, 443 F.2d 125 (1971), also cited by Defendants, has no application to this case. In that case, the court did not allow an exception to the principle of collateral estoppel; it found that that the principle did not apply to the case, at all. The later action was brought under a different statute than the original action. The court found that the differences in the two statutes precluded the application of collateral estoppel.

> Although these two acts are not totally dissimilar, their differences significantly overshadow their similarities. Absent a special consideration, a determination arising solely under one statute should not automatically be binding when a similar question arises under another statute. This is because the purposes, requirements, perspective and configuration of different statutes ordinarily vary.
>
> Tipler, at pp.128-129.

Defendants also cite Socialist Workers Party v. Secretary of State, 412 Mich 571 (1982) in support of its "exception" argument, but the case does not support that position. As in Tipler, supra, the Michigan Supreme Court in this case did not find an exception to res judicata or collateral estoppel principles; it found that they did not apply at all. The prior case, which would have given rise to res judicata or collateral estoppel claims, was Hudler v. Austin, 419 F.Supp. 1002 (E.D. Mich. 1976. The court found:

> FN10. Plaintiffs' jurisdictional statement alleged facial and "as applied" unconstitutionality. However, the district court's order that the "new" parties appear on the 1976 ballot made moot, as a factual matter, the "as applied" challenge. The precise issue presented and necessarily decided by the summary affirmance was the facial constitutional question.

> Furthermore, at the time the challenge was brought in the trial court, the primary vote requirement had not yet barred any political party from the ballot. Thus, the factual posture of the *Hudler* case in the federal district court did not present an "as applied" situation. …In contrast, this Court's current consideration of the constitutionality of P.A. 94 occurs against a background of two elections, in 1978 and 1980, in which several political parties were in fact denied ballot access because they failed to meet the primary vote requirement. Thus, the precedential effect of *Hudler* does not dispose of the "as applied" constitutionality challenge now raised in this Court. …
>
> *****
>
> Finally, our reading of the decision in *Hudler* convinces us that the district court reserved an "as applied" challenge to the constitutionality of 1976 P.A. 94 …
>
> In the present case, plaintiffs allege "as applied" unconstitutionality based on their experience with the operation of the act during the 1978 and 1980 elections.
>
> We hold, therefore, that the doctrine of res judicata should not be applied in the present case. [P]laintiffs challenge the act on "as applied" grounds, an issue distinctly reserved by the *Hudler* court. We thus reach the merits of plaintiffs' complaint.
>
> Socialist Workers Party, p. 581, 586-587.

To summarize, while the first challenge to the law was both facial and "as applied," only the facial unconstitutionality issue was resolved in that action, and the court explicitly reserved the "as applied" challenge. The Michigan Supreme Court allowed the second action so that the "as applied" challenge to the law could be resolved.

Defendants argue that "[t]here appear to be no obvious grounds to distinguish that case [Socialist Workers] from this one for purposes of allowing an exception to res judicata and collateral estoppel principles…" Defendant's Brief, pp. 15-16. In making

this statement, Defendants seem to be acknowledging that, in the absence of finding an exception to res judicata and collateral estoppel principles, their attempted relitigation of the constitutionality of the voter registration requirement of Section 12.2 is barred. They have failed to show that such an exception exists.

Defendants also cite Young v. Detroit City Clerk, 389 Mich 333 (1973) in their search for an exception to res judicata and collateral estoppel principles. It cannot be found here. In Young, a State Senator sought to mount a second challenge, four years after his first, to a Michigan Constitutional provision concerning ballot access. The court found that there had been numerous cases decided by both federal and state courts expanding the right to vote and the right to run for office since the previous case. More importantly, it noted that "[I]t is clear that any other state legislator could raise these issues and would not be precluded from doing so. Thus, it is inequitable to prevent this plaintiff from doing so. We therefore hold that the doctrine of Res judicata does not bar plaintiff's cause of action in this case." Young, at 340-341. In the instant case, there is no large group of such other potential plaintiffs. In fact, it is doubtful that any party other than the City would even have standing to bring an action asserting the constitutionality of the voided provision.

Finally, Defendants cite Cloverlanes Bowl, Inc. v Gordon, 46 Mich App 518 (1973). In that case, the court found that res judicata did not bar a second action. It found that new circumstances regarding the land at issue meant that certain issues had not been, and could not have been, addressed in the first action, and res judicata did not bar the second action.

> However, given the fact that the amended zoning ordinance and condemnation suit sprang into being after the first

> judgment was rendered, it follows that these two material changes affecting the plaintiff's rights in the disputed parcel could not and in fact were not resolved by the first judgment. Therefore although the first judgment was res judicata of plaintiff's rights to the adjacent land arising from the construction of the restaurant, it was not res judicata of plaintiff's rights to the parcel stemming from the amended zoning ordinance and condemnation suit.
>
> Cloverlanes, p. 602.

The Defendants also throw in a kitchen sink-full of reasons to allow it to relitigate the constitutionality of the voter registration requirement contained in Section 12.2. Among these are that there has been a material change in the law regarding durational residency and voter registration requirements. First, durational residency requirements are not at issue in this Motion. Second, there is no demonstrable change in the law regarding voter registration requirements, and certainly not a material one. The Defendants also cite "the fact that the Wojack court upheld the constitutionality of the Charter provision." Defendant's Brief, p. 16. Even accepting, arguendo, that the Circuit Court Opinion is of any relevance at all, that Opinion "upheld" only the durational residency requirement in Section 12.2, and not the voter registration requirement at issue in this Motion.

Even if the constitutionality of the voter registration requirement of Section 12.2 could be relitigated, that relitigation cannot be accomplished by deciding the Motions now before the Court. The parties would need to be given the opportunity to develop possible factual support for their positions, allowed discovery and possibly afforded the opportunity for a trial.

Defendants' discussion of the remedies sought by Plaintiff seems untimely and off-point. As for Plaintiff's request for preliminary injunctive relief, it now appears that

this will not be necessary. Defendant City Clerk has received Plaintiff's nominating petitions, reviewed them and determined that they contain a sufficient number of valid signatures. The Court has set an expedited schedule in this matter and gives every indication that a final decision will be reached in time for ballots to be printed recognizing that decision. If Plaintiff receives a favorable ruling, he will have achieved the actual success necessary to obtain the permanent injunctive relief that he seeks.

Defendants argue that a writ of mandamus is not merited. Plaintiff would agree that it is not merited at this time. If, however, Plaintiff prevails in this action, a writ of mandamus is an appropriate remedy. The City Clerk would then have a clear legal duty to place Plaintiff's name on the ballot.

In its Conclusion section, Defendants ask this Court to "hold specifically that the *Feld* and *Human Rights Party* cases are no longer binding precedent and issue an order that Section 12.2 of the Ann Arbor City Charter is constitutional and enforceable." Plaintiff suggests that since Defendants have not sought this relief by way of Counterclaim, Countercomplaint, Complaint for Declaratory Relief, or otherwise, such requests for relief are not properly before this Court. Defendant also cites no authority for this Court to issue an order regarding the status of a final order issued by another court in this District.

CONCLUSION

Defendants' Motion is without merit, both procedurally and substantively. Plaintiff has certainly stated a claim upon which relief may be granted. If the Feld and HRP decisions still bind the City of Ann Arbor, he has an obvious claim to have his name placed on the ballot, and this Court is empowered to grant that relief. (In fact, if only the HRP decision is still binding, he has a claim, because he meets the Ann Arbor City Charter's durational residency requirement.) It would seem that a Motion for Summary Judgment might have been appropriate, but the instant Motion is defective. Plaintiff may not be successful in the pursuit of his claim, but he has certainly stated a valid one.

This Court should deny this Motion and grant Plaintiff the relief he has sought in his Complaint.

/s/ Thomas F. Wieder
Thomas F. Wieder (P33228)
Attorney for Plaintiff

Dated: April 18, 2014

CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2014, I electronically filed the foregoing document with the Clerk of the Court using the ECF System which will send notice of such filing to the following: Stephen K. Postema and Abigail Elias.

/s/ Thomas F. Wieder
Attorney for Plaintiff