

**UNITED STATES DISTRICT COURT
IN THE 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.

ORDER

Plaintiff Robert Dascola (“Plaintiff”) and Defendants City of Ann Arbor and Jacqueline Beaudry (“Defendants”) have each filed numerous motions in this matter. The central issue contained in these motions concerns whether Defendants may enforce against Plaintiff the residency and voter registration requirements for persons seeking to run for Ann Arbor City Council.¹ These motions are currently pending with the Court.

The briefs and motions currently before the Court do not adequately address the central legal issue in this matter: whether Defendants may enforce two Ann Arbor City Charter provisions that a United States District Court previously ruled were “unconstitutional and void.” Specifically, the Court finds that the parties have failed to provide specific, on-point legal justifications upon which the Court may rely in determining whether a law found “unconstitutional and void” by a federal court must be officially re-enacted prior to enforcement.

¹ The Court is aware that there is contention between the parties over whether both the residency requirement and the registration requirements contained in the Ann Arbor City Charter are at issue. The Court finds that they are.

Accordingly, IT IS HEREBY ORDERED that Defendants and Plaintiff provide supplemental briefing, in writing, by Tuesday, May 6, 2014, at 5:00 p.m. The briefs shall focus solely on answering the following question: If a law is found “unconstitutional and void” by a federal district court, must that law be officially re-enacted before it is enforced? The briefs shall not focus on issues regarding collateral estoppel, res judicata or the “revival doctrine,” as the Court finds these issues have been addressed. The briefs must contain accurate and binding legal support, and are limited to seven (7) pages.

IT IS SO ORDERED.

Date: April 30, 2014

s/Lawrence P. Zatkoff
Hon. Lawrence P. Zatkoff
U.S. District Judge