

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 13TH JUDICIAL CIRCUIT
GRAND TRAVERSE COUNTY

STUDIO 8 HAIR LAB, LLC, a Michigan
Limited Liability Company,

No. 23-36818-CB

Plaintiff,

HON. KEVIN A. ELSENHEIMER

v

CITY OF TRAVERSE CITY, a Municipal
Corporation, LEE MAYNARD, Individually,
MADELINE HARRIS, Individually,
HEATHER SPOONER, Individually,
MICHIGAN DEPARTMENT OF CIVIL
RIGHTS,

**BRIEF IN SUPPORT OF
DEFENDANT MICHIGAN
DEPARTMENT OF CIVIL
RIGHTS' MOTION TO
DISMISS IN LIEU OF
ANSWER PURSUANT TO MCR
2.116(C)(4)**

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**BRIEF IN SUPPORT OF DEFENDANT MICHIGAN DEPARTMENT OF
CIVIL RIGHTS' MOTION TO DISMISS IN LIEU OF ANSWER PURSUANT
TO MCR 2.116(C)(4)**

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INTRODUCTION

Plaintiff Studio 8 Hair Lab, LLC (Studio 8) filed suit against Traverse City and the individual Defendants in an effort to derail administrative proceedings initiated against Studio 8 by the Michigan Department of Civil Rights (MDCR) and to retaliate against the individuals who exercised their right to file complaints against the studio under the Elliott-Larsen Civil Rights Act (ELCRA).

Studio 8 alleges that the advertising provision in Article 2 of the ELCRA, which prohibits advertising that a service is not equally available to a person based on their sexual orientation or gender identity, infringes on religious freedoms as well as other rights in violation of the Michigan and U.S. Constitutions. Studio 8 asked this Court to enjoin the Defendants and “any person acting in concert” with them from enforcing the advertising provision.

When these initial efforts failed, Studio 8 amended its complaint to add the MDCR as a Defendant. But while the MDCR is a proper party to defend the constitutionality of the ELCRA’s hard-won protections against sexual orientation and gender identity discrimination, this Court is not the proper forum. Rather, the Court of Claims has exclusive jurisdiction over claims against the State, including against the MDCR. As a result, Studio 8’s claims against the MDCR must be dismissed for lack of jurisdiction.

STATEMENT OF FACTS

The ELCRA prohibits discrimination based on gender identity and expression.

In the groundbreaking case *Rouch World, LLC, et al v Dep't of Civil Rights*, the Michigan Supreme Court repudiated past precedent and held that prohibited “sex” discrimination under the ELCRA included discrimination based on sexual orientation. 510 Mich 398, 433 (2022).¹ This decision paved the way for the Michigan Legislature’s subsequent amendments to the ELCRA.

On March 16, 2023, Governor Gretchen Whitmer signed into law Public Act 6 of 2023, amending the ELCRA to expressly include sexual orientation and gender identity and expression as separately protected categories. See 2023 PA 6. As a result, the ELCRA now expressly protects against discrimination based on sexual orientation and gender identity or expression in the provision and advertising of services:

Except where permitted by law, a person shall not do any of the following:

(a) Deny an individual the full and equal enjoyment of . . . services . . . of a place of public accommodation . . . because of religion, race, color, national origin, age, sex, *sexual orientation, gender identity or expression*, or marital status.

(b) Print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, notice, or sign that indicates that the full and equal enjoyment of the . . . services . . . of a place of public accommodation . . . will be refused, withheld from, or denied an individual because of religion, race, color, national origin, age, sex,

¹ The Court of Claims in *Rouch World, LLC* had already concluded that the term “sex” as used in the ELCRA included gender identity, and that determination was not appealed. *Rouch World, LLC*, 510 Mich at 408–409.

sexual orientation, gender identity or expression, or marital status, or that an individual's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable because of religion, race, color, national origin, age, sex, *sexual orientation, gender identity or expression*, or marital status. [MCL 37.2302(a)–(b) (emphasis added).]

These amendments became effective February 13, 2024. See Const 1963, art 4, § 27. The amendments did not change Article 2's exception for discrimination that is "otherwise permitted by law," MCL 37.2302, or the ELCRA's provision permitting "securing civil rights guaranteed by law other than" the rights set forth in the ELCRA, MCL 37.2705(1).

At the time of the events described below, the decisions in *Rouch World*, holding that sexual orientation and gender identity are protected categories, applied.

Studio 8 owner Christine Geiger's discriminatory posts.

On July 7, 2023, Christine Geiger, the owner of Studio 8, posted on its Education and Beauty Supply business Facebook page a statement that: "If a human identifies as anything other than a man/woman please seek services at a local pet groomer. You are not welcome at this salon. Period." (First Amend Compl, ¶ 36; MDCR Charge, § 15, attached as an exhibit to First Amend Compl.) The post additionally read: "This small business has the right to refuse services." (*Id.*)

Two days later on July 9, 2023, Geiger posted on Studio 8's Google Business Profile page a response to a review left about the business, which stated: "The review was left in response to a Facebook post where I stated that this salon is not

LGTBQ+ friendly. LGB are more than welcome however the rest of it is not something I support.” (First Amend Compl, ¶ 37; MDCR Charge, ¶ 20, attached as an exhibit to First Amend Compl.) Further, Geiger wrote that “[t]here are over 800 licensed stylists in the County. There are plenty of salons/stylists willing to cater to what I will not.” (*Id.*)

The individual Defendants file complaints against Studio 8.

After viewing Studio 8’s Facebook page, the individual Defendants filed administrative complaints with the MDCR alleging that they were subjected to discriminatory advertising by Studio 8 based on their gender identity. (First Amend Compl, ¶¶ 48-50; MDCR Complaints, attached as exhibits to First Amend Compl.) The ELCRA expressly authorizes the MDCR to receive, investigate, and conciliate complaints alleging discrimination under the ELCRA. MCL 37.2602(c).²

The MDCR served Studio 8 with the complaints and requested a response. Studio 8 elected not to file a position statement in response to the complaints. MDCR later invited Geiger to attend a conciliation conference for each complaint on October 19, 2023, in an effort to resolve the matters. (10/5/23 Conciliation letters, attached as exhibits to First Amend Compl.) In the letters, Studio 8 was informed that if the conciliation conference did not result in a settlement of the matters, the MDCR may conduct an investigation, refer the matters for a final legal review with a recommendation that the case proceed to an administrative hearing, dismiss the

² See also the Michigan Civil Rights Commission’s administrative rules, which can be found at: [ARS Public - MI Admin Code for Civil Rights - All \(state.mi.us\)](https://www.legislature.mi.gov/doc.aspx/ars-public-mi-admin-code-for-civil-rights-all-state.mi.us).

complaint based on information revealed during the investigation, or schedule future conciliation conferences. (*Id.*) Similar to electing not to respond to the complaints, Geiger chose not to participate in the conciliation conferences.

Studio 8 files suit against Traverse City and the complainants.

On October 25, 2023, Studio 8 filed the instant lawsuit against Traverse City and the three individual Defendants—the claimants in the administrative proceedings before the MDCR. Specific to Traverse City, Studio 8 alleged that the city’s nondiscrimination ordinance infringed on religious freedom and speech rights and was unconstitutional. Studio 8 also argued that portions of the ELCRA are unconstitutional, although neither the city nor the claimants enforce the Act. The individual Defendants appeared to have been sued because they filed complaints with the MDCR. Motions to dismiss filed by Traverse City and the individual Defendants remain pending before the Court.

MDCR files a charge against Studio 8.

Because Studio 8 did not participate in conciliation, and the MDCR’s investigation supported a finding of discrimination, the MDCR proceeded with filing a charge of discrimination against Studio 8 on November 15, 2023. (MDCR Charge, attached as an exhibit to First Amend Compl.) The charge alleges that Studio 8 violated MCL 37.2302(b) by publishing a statement that individuals would be unwelcome and denied services based on their protected class status (gender identity.) (*Id.*) On December 5, 2023, Studio 8 filed a motion to dismiss the

administrative charge with the administrative law judge (ALJ) assigned to the proceeding based upon the pendency of this case—despite the fact that, at the time, the MDCR was not a party. (Ex. A, 1/11/24 ALJ decision, p 2.) The ALJ noted that while Studio 8 can seek relief in the courts regarding the constitutionality of a statute, like the ELCRA, it would have to file such a claim in the Court of Claims versus a local circuit court. (*Id.*) The motion to dismiss the charge was thus denied, and the charge remains pending before the ALJ.

Studio 8 amends its complaint to add the MDCR as a Defendant.

On December 11, 2023, almost a week after filing the motion with the ALJ to dismiss the administrative charge, Studio 8 filed a First Amended Complaint adding the MDCR as a Defendant here in a further attempt to avoid the administrative process.³ Studio 8 raises seven causes of action alleging that the ELCRA’s public accommodations provisions prohibiting discriminatory advertising, MCL 37.2302(a) and (b), facially violate the Michigan and U.S. Constitutions because they violate “free speech, free exercise of religion, due process and equal protection,” as well as free association and freedom of the press. (First Amend Compl, ¶¶ 266, 269, 290, 300, 306, 334, 387, 400, 428, 453.) Studio 8 seeks

³ MDCR was not served with the First Amended Complaint until January 23, 2024. The UPS tracking number confirms this delivery date of the mailed complaint. (Ex B, UPS confirmation.) Since this complaint was not served on an individual via hand-delivery, the court rules provide the MDCR has 28 days in which to respond, MCR 2.108(2), making the filing of this motion timely.

declaratory and injunctive relief in addition to costs and expenses for this litigation and attorney's fees. (*Id.*, Prayer for Relief, ¶¶ 1–4, 7.)

STANDARD OF REVIEW

Dismissal under MCR 2.116(C)(4) must be granted when the court lacks subject-matter jurisdiction over an action. Whether a court has such jurisdiction is a question of law. *Phinney v Verbrugge*, 222 Mich App 513, 521 (1997). The burden is on a plaintiff to establish jurisdiction. *Id.* In reviewing a motion under MCR 2.116(C)(4), a court must determine whether the pleadings demonstrate that the defendant is entitled to a judgment as a matter of law or whether the affidavits and other proof show that there is no genuine issue of material fact. *Herbolsheimer v SMS Holding Co, Inc*, 239 Mich App 236, 240 (2000). When a court is without jurisdiction of the subject matter, any action with respect to such a cause, other than to dismiss it, is absolutely void. *McCleese v Todd*, 232 Mich App 623, 628 (1998).

ARGUMENT

I. This Court lacks subject-matter jurisdiction over Studio 8's claims against the MDCR.

This Court does not have subject matter jurisdiction over Studio 8's claims against the MDCR, therefore, those claims and the MDCR must be dismissed.

“The Court of Claims is created by statute and the scope of its subject-matter jurisdiction is explicit.” *O'Connell v Dir of Elections*, 316 Mich App 91, 101 (2016), quoting *Dunbar v Dep't of Mental Health*, 197 Mich App 1, 5 (1992). The Court of

Claims Act provides that, “[e]xcept as provided in §§ 6421 and 6440, the jurisdiction of the court of claims, conferred upon it by this chapter, is *exclusive*.” MCL 600.6419(1) (emphasis added). Relevant here, the Court of Claims Act confers upon the Court of Claims “exclusive” jurisdiction to “hear and determine any claim or demand, statutory or *constitutional*, . . . or any demand for monetary, *equitable*, or *declaratory* relief . . . against the state or any of its *departments* or officers notwithstanding another law that confers jurisdiction of the case in the circuit court.” MCL 600.6419(1)(a) (emphasis added).

Here, Studio 8 seeks a declaration that portions of the ELCRA are unconstitutional, and an injunction enjoining enforcement of those provisions. These claims for declaratory and injunctive, i.e., equitable, relief fall squarely within the exclusive jurisdiction of the Court of Claims. MCL 600.6419(1)(a). See, e.g., *Boler v Governor*, 324 Mich App 614, 620 (2018) (“The Court of Claims has exclusive jurisdiction to hear and determine ‘any demand for ... declaratory relief ... against the state or any of its departments or officers notwithstanding another law that confers jurisdiction of the case in the circuit court.’”), quoting MCL 600.6419(1)(a).

No other law provides for jurisdiction in this Court to hear Studio 8’s constitutional challenge against the MDCR. The Court of Claims Act provides exceptions to its exclusive jurisdiction, but none apply. MCL 600.6421(1) provides for circuit court jurisdiction over a lawsuit, or part of a lawsuit, “for which there is a right to a trial by jury as otherwise provided by law.” But there is no right to a jury

trial in a declaratory judgment action. MCL 600.6440 divests the Court of Claims of jurisdiction over a claim for which the claimant “has an adequate remedy upon [that] claim in the federal courts.” Here, while Studio 8 is invoking federal constitutional provisions, he is not asserting any federal claims. Last, the exceptions in MCL 600.6419(3), (4), (5), and (6) related to specific types of claims, e.g., worker’s compensation, taxpayer suits, do not apply.

Similarly, there is no provision in the ELCRA authorizing Studio 8 to bring its constitutional challenge against the MDCR in circuit court. Article 8 of the ELCRA provides for a cause of action in MCL 37.2801. Under that section “[a] person *alleging a violation of [the ELCRA]* may bring a civil action for appropriate injunctive relief or damages, or both,” and may do so “in the circuit court for the county where the alleged violation occurred, or for the county where the person against whom the civil complaint is filed resides or has his principal place of business.” MCL 37.2801(1)-(2) (emphasis added).

But here, Studio 8 is not alleging a violation of the ELCRA. Rather, it is seeking to challenge the constitutionality of a provision in the ELCRA—MCL 37.2302. Accordingly, section 2801 neither provides Studio 8 with a cause of action nor divests the Court of Claims of jurisdiction over the claims for declaratory and injunctive relief pled here against the MDCR.

Finally, there can be no dispute that the MDCR is an arm of the State for purposes of the Court of Claims Act. The Court of Claims has exclusive jurisdiction over any claims against the MDCR because a “state or ... its department” under the

Act includes the MDCR. MCL 600.6419(1) and (7). See also MCL 16.104(8), MCL 16.575. See also *Dunbar v Dep't of Mental Health*, 197 Mich App 1, 5 (1992) (“Unless there are contradictory legislative enactments that expressly divest the Court of Claims of jurisdiction over an action against the state or a department thereof, the Court of Claims is the appropriate forum to litigate the dispute.”)

Because this Court lacks subject matter jurisdiction, the claims against the MDCR must be dismissed.

II. Studio 8 did not comply with the verification requirements of the Court of Claims Act.

Even if Studio 8 could bring its claims in this Court, which it cannot for the reasons stated above, it failed to comply with the signature and verification provision in the Court of Claims Act.

“[B]ecause the government may voluntarily subject itself to liability, it may also place conditions or limitations on the liability imposed.” *McCahan v Brennan*, 492 Mich 730, 736 (2012). The Legislature chose to impose certain procedural requirements with respect to the filing of claims against state departments and agencies. And these requirements include that a claim must be signed by the “claimant” and verified “by the claimant before an officer authorized to administer oaths.” MCL 600.6431(2)(d). While this technical requirement does not bear on the substantive claims advanced in case, it is, nonetheless, a requirement. Even in the limited scenarios where a circuit court has subject-matter jurisdiction over a claim against the State, the Michigan Supreme Court has unanimously held that the Court of Claims requirements apply to claims against the state, even if filed in a

circuit court. *Christie v Wayne State University*, 511 Mich 39, 45, 52 (2023) (emphasis added). See also *Elia Cos, LLC v Univ of Mich Regents*, 511 Mich 66, 73 (2023) (“notice is either unverified but timely or unverified but verified, . . . it fails to meet the conditions precedent to maintaining a suit against the state.”) (citing *Fairley v Department of Corrections*, 497 Mich 290, 300 (2015) (cleaned up)).

Thus, even if Studio 8 could file suit against the MDCR in this Court, it was still required to verify its claims under MCL 600.6431(2)(d). It did not do so. Studio 8’s First Amended Complaint was not signed by the “claimant,” i.e., Geiger, and it was not verified by Geiger before an officer authorized to administer oaths, as required by the Court of Claims Act. MCL 600.6431(2)(d).

As a result, dismissal is required for this reason as well. *Fairley*, 497 Mich at 298 (failure to comply with the notice and verification requirements of MCL 600.6431 mandates dismissal of the case).

CONCLUSION AND RELIEF REQUESTED

Because the Court of Claims Act vests exclusive jurisdiction over Studio 8 Hair Lab, LLC’s claims for declaratory and injunctive relief against Defendant Michigan Department of Civil Rights in the Court of Claims, this Court must grant Defendant’s motion to dismiss for lack subject-matter jurisdiction. Dismissal is further warranted because even if this Court had jurisdiction, Studio 8 Hair Lab, LLC failed to comply with the Court of Claims Act’s signature and verification requirements.

Respectfully submitted,

/s/Tonya C. Jeter

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Dated: February 20, 2024

PROOF OF SERVICE

Kimberly K. Pendrick certifies that on February 20, 2024, she served a copy of the above document in this matter on all counsel of record and parties *in pro per* via MiFILE.

/s/Tonya C. Jeter

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STATE OF MICHIGAN
CIRCUIT COURT FOR THE 13TH JUDICIAL CIRCUIT
GRAND TRAVERSE COUNTY

STUDIO 8 HAIR LAB, LLC, a Michigan
Limited Liability Company,

Plaintiff,

No. 23-36818-CB

HON. KEVIN A. ELSSENHEIMER

v

CITY OF TRAVERSE CITY, a Municipal
Corporation, LEE MAYNARD, Individually,
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MICHIGAN DEPARTMENT OF CIVIL
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Defendants.

**BRIEF IN SUPPORT OF DEFENDANT MICHIGAN DEPARTMENT OF
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TO MCR 2.116(C)(4)**

EXHIBIT A



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

MARLON I. BROWN, DPA
ACTING DIRECTOR

IN THE MATTER OF:

MOAHR Docket No.: 23-007846

**Michigan Department of Civil Rights,
Petitioner**

Agency Case No.: 0

v

Case Type: Civil Rights

**Studio 8 Hair Lab, LLC,
Respondent**

_____ /

**Issued and entered
this 11th day of January 2024
by: Robert J. Meade
Administrative Law Judge**

**ORDER DENYING
RESPONDENTS' MOTION FOR SUMMARY DISPOSITION;
TO DISMISS IN LIEU OF ANSWER MCR 2.116;
AND FOR DECLARATORY RELIEF**

Petitioner, Michigan Department of Civil Rights (Petitioner, MDCR, or Department) issued a charge of discrimination against Respondent, Studio 8 Hair Lab, LLC (Respondent or Studio 8) under its authority from the Michigan Constitution (MI Const Art. V, §29), the Elliott-Larsen Civil Rights Act (ELCRA, MCL 37.2101 *et seq.*), and the Michigan Administrative Code (MAC R 37.1 *et seq.*). This matter will be adjudicated by the Michigan Civil Rights Commission (the Commission) with assistance from the Michigan Office of Administrative Hearings and Rules (MOAHR) pursuant to MDCR and Commission Rule 37.12, MAC R. 37.12.

On December 6, 2023, Respondent filed a Motion for Summary Disposition; To Dismiss in Lieu of Answer MCR 2.116; and For Declaratory Relief. On January 5, 2024, Petitioner, MDCR filed a Response pursuant to a December 8, 2023 Prehearing Summary and Order and Briefing Schedule.

Pursuant to MDCR and Commission Rule 37.12, Mich. Admin. Code R. 37.12(15):

Any motion filed by a party subsequent to the issuance of a charge and prior to hearing shall be referred to the hearing commissioners or referees for decision. The hearing commissioners or referees may request briefs or schedule oral arguments, or both, as they deem necessary and, where

appropriate, they may reserve their ruling until the conclusion of the hearing. All rulings upon motions shall be included in the report of the hearing commissioners or referees to the commission.

Pursuant to that rule, the undersigned has authority to consider and decide Respondent's Motion. A final order from the Commission will be issued in this matter at the conclusion of all administrative procedures pursuant to MAC 37.16. (See also MCL 37.2605).

In its motion, Respondent argues generally that these proceedings should be dismissed because it has filed a civil action in Grand Traverse County Circuit Court. (*Respondent's Motion*, pp 8-9, 27-28.) In support, Respondent argues that both the Michigan Constitution (Article V, §29) and the Elliott-Larsen Civil Rights Act (MCL 37.2801 and MCL 37.2606) allow it to seek direct and immediate legal or equitable remedies in the courts of this state. (*Id.* at 27.) And, since it has filed such a civil action, Respondent argues that exclusive jurisdiction in this matter now lies with the circuit court.

Paradoxically, after arguing that MDCR lacks jurisdiction over it in these administrative proceedings, Respondent asks the Commission to grant it declaratory relief, issue sanctions, and decide constitutional questions. More specifically, Respondent asks the Commission to find that gender identity is not a protected class under the ELCRA, and even if it were, that Respondent's conduct here is constitutionally protected as free speech.

Petitioner argues that the Commission has jurisdiction over this administrative hearing, the Commission does not have authority to grant Respondent the relief it requests, and the Commission is bound by Interpretive Statement 18-1.

Having considered the parties' arguments in full, it is determined that Respondent's arguments are misplaced, and its motion should be denied.

First, as Petitioner correctly points out, Article V, §29 of the Michigan Constitution does not grant any party in civil rights cases direct and immediate legal or equitable remedies in the courts of the state. Instead, the Michigan Constitution simply states that nothing in Article V, §29 "shall be construed to diminish the right of any party to direct and immediate legal or equitable remedies in the courts of this state." Here, the Commission is not trying to diminish Respondent's rights; it is just noting that the venue in which Respondent has sought to exercise those rights is improper. As discussed in Petitioner's response, there is a way for Respondent to seek relief in the courts of this state, but that would involve filing a claim in the Court of Claims, not the local circuit court.

Second, Respondent's argument that MCL 37.2801(1) allows it to bring a civil action for appropriate injunction relief of damages is also misplaced. Instead, MCL 37.2801(1) indicates that "A person alleging a violation of this act may bring a civil action for

appropriate injunctive relief of damages, or both.” (Emphasis added.) However, Respondent is not alleging a violation of the act, it is challenging the action brought against it by Petitioner. As such, MCL 37.2801(1) provides no support for Respondent’s motion.

Third, Respondent’s argument that MCL 37.2606 supports its position is premature. Instead, MCL 37.2606 provides Respondent with the right to appeal a final order of the Commission to the appropriate circuit court. However, there has not been a final order issued in this matter to date, so there is nothing for Respondent to appeal from.

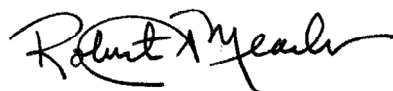
Finally, as Petitioner points out, the Commission does not have the authority to grant declaratory or injunction relief or to decide constitutional questions. *Dation v Ford Motor Co*, 314 Mich 152, 159 (1946). And, as Petitioner also correctly points out, the Commission is bound by Interpretive Statement 18-1 pursuant to *Rouch World, LLC v Department of Civil Rights*, Case No. 16242 (2022), a bypass application of appeal from a Court of Claims opinion, Case No. 20-000145-MZ. The Court of Claims case held that gender identity is a protected class: “[I]f defendants determine that a person treated someone who “identifies” with a gender different than the gender that he or she was born as, then that is dissimilar treatment on the basis of sex, and they are entitled to redress that violation through the existing MDCR procedures.” (*Id* at 7). So, even though, as Petitioner argues, the ELCRA was amended recently to include gender identity as a specific protected class, *Rouch* does uphold Interpretive Statement 18-1 in the meantime. As such, Respondent’s requests for such relief is outside of the scope of these proceedings. Again, should Respondent wish to raise these issues, it must file a claim with the Court of Claims.

Given the above, Respondent’s arguments are misplaced or without merit and its motion should be denied.

NOW THEREFORE IT IS ORDERED:

- Respondent’s Motion for Summary Disposition; To Dismiss in Lieu of Answer MCR 2.116; and For Declaratory Relief is **DENIED**.
- A telephone status/prehearing conference will be held in this matter at a future date and time agreed to by the parties.

RM/sj



Robert J. Meade
Administrative Law Judge

PROOF OF SERVICE

I certify that I served a copy of the foregoing document upon all parties, to their last known addresses in the manner specified below, this 11th day of January 2024.

S. James

S. James
**Michigan Office of Administrative
Hearings and Rules**

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Bufordkammermana@michigan.gov

Petitioner

L.M., Claimant, H.S., Claimant,
and M.H., Claimant

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Jfazzola@tfnlgroup.com

Mike@thenorthcoastlegal.com

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 13TH JUDICIAL CIRCUIT
GRAND TRAVERSE COUNTY

STUDIO 8 HAIR LAB, LLC, a Michigan
Limited Liability Company,

Plaintiff,

No. 23-36818-CB

HON. KEVIN A. ELSSENHEIMER

v

CITY OF TRAVERSE CITY, a Municipal
Corporation, LEE MAYNARD, Individually,
MADELINE HARRIS, Individually,
HEATHER SPOONER, Individually,
MICHIGAN DEPARTMENT OF CIVIL
RIGHTS,

Defendants.

**BRIEF IN SUPPORT OF DEFENDANT MICHIGAN DEPARTMENT OF
CIVIL RIGHTS' MOTION TO DISMISS IN LIEU OF ANSWER PURSUANT
TO MCR 2.116(C)(4)**

EXHIBIT B

Extremely Urgent

JAN 23 2024

MDM: SERVICE CENTER

Cc

RECEIVED
MDM: SERVICE CENTER

JAN 22 2024

RECEIVED

EXPRESS

1ZA448Y4039764 9040
P: BLUE S: PURPL4 1:5
REEM - 5850
MICHIGAN DEPT OF CIVIL RIGHTS
3054 W GRAND BLVD
STE 3 - 600
DETROIT MI 48202

RECEIVED

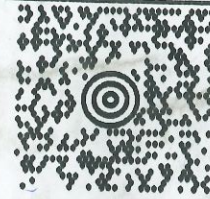
JAN 22 2024



DAVID DELANEY
9897321558
DAVID M. DELANEY, PLC
1409 W MAIN ST
GAYLORD MI 49735

1 LBS 1 OF 1
DWT: 13,10,1

SHIP TO:
ATTN EXECUTIVE DIRECTOR JOHN E JOHNS
9897321558
MICHIGAN DEPT OF CIVIL RIGHTS
3054 W GRAND BLVD STE 3 - 600
DETROIT MI 48202 - 6054



MI 482 2 - 10



UPS GROUND

TRACKING #: 1Z A44 8Y4 03 9764 9040



BILLING: P/P

Trx Ref No.: PM PKG ID 222977
Trx Ref No.: FROM DAVID M. DELANEY, PLC DAVID DE
XOL 24.01.04 NV46 3.0A 01/2024



Your shipment
1ZA448Y40397649040

✓ Delivered On
Tuesday, January 23 at 10:45 A.M. at Inside Delivery

Delivered To
DETROIT, MI US

Received By:
FD
[Proof of Delivery](#)

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