

MONIFA K. GRAY

[REDACTED], Detroit, Michigan 48214; [REDACTED]

LEGAL EXPERIENCE

The Allen Law Group, PC; Detroit, Michigan

Senior Associate, November 2017 to present.

Functions as “outside in house counsel” and advises public and private sector clients in business, municipal, civil rights, compliance/governance, employment, healthcare and other public law matters, including internal investigations and litigation. Responsible for drafting legal opinions, motions and briefs on complex constitutional issues, board policies and procedures, training curriculum, as well as provider, service, vendor, lease and other professional agreements. “Go to” attorney for current Michigan law pertaining to the COVID-19 pandemic and related policies, procedures and workplans best practices. Supervises support staff and junior attorneys.

DeAno & Scarry, LLC; Chicago, Illinois

Associate, April 2014 to October 2017.

Defended municipalities and municipal employees in all aspects of civil rights and municipal litigation and appeal. Defended police officers in review of administrative decisions before police review boards. “Go to” attorney for writing briefs, especially motions to dismiss and motions for summary judgment.

Communication for Social Change Consortium, South Orange, NJ

Legal Consultant, January 2014 to present.

Advises client on various legal issues pertinent to an international nonprofit organization, including drafting and reviewing service, vendor and professional agreements. Counseled client in areas of federal taxation, copyright and trademark registration.

Andrew M. Hale & Associates; Chicago, Illinois

Associate; civil rights litigation, June 2010 to May 2013.

Defended a major U.S. city and police officers in all aspects of civil rights and municipal litigation. “Go to” attorney for writing briefs, especially motions for summary judgment. Essential member of four trial teams.

Sixth Judicial Circuit Court of Michigan; Pontiac, Michigan

Judicial Staff Attorney to the Honorable Leo Bowman, September 2008 to June 2010.

Drafted judicial opinions, orders and memoranda in family, civil, criminal and appeal cases. Served in a supervisory capacity and was second in command for other office staff.

Michigan Senate; Lansing, Michigan

Policy Analyst, March 2007 to September 2008.

Drafted and analyzed the legality of legislation and budgets, researched potential policy areas. Advised senators on impact of legislations in every aspect of the legislative process. Advisor for the 2008 “Blue Cross Bills.”

Floyd E. Allen & Associates (now the Allen Law Group); Detroit, Michigan

Contract Attorney, October 2006 to March 2007.

Researched and drafted legal memoranda, motions and other pleadings, in primarily the labor and employment, education and litigation fields. Contract was extended beyond initial time period negotiated.

MONIFA K. GRAY

Detroit, Michigan 48214;

United States District Court for the Eastern District of Michigan; Detroit, Michigan
Judicial Law Clerk to the Honorable Denise Page Hood, September 2005 to September 2006.
Drafted judicial opinions, orders and memoranda in federal civil, criminal, and appeal cases.

EDUCATION

Vanderbilt University Law School, Nashville, Tennessee
Juris Doctorate, May 2005

University of Michigan, Ann Arbor, Michigan
Bachelor of Arts; Political Science, April 2002

BAR ADMISSIONS

State of Michigan, 2005
State of Illinois, 2012

COMMUNITY INVOLVEMENT

Leadership Detroit Class XLI
September 2019 to June 2020

Board of Directors Legal Aid Defender Association; Detroit, Michigan.
May 2020 to present

Board of Directors Kids' Health Connections; Detroit, Michigan
July 2020 to present

Monifa K. Gray

[REDACTED]
Detroit, MI 48214

October 26, 2020

Hiring Manager
The Michigan Department of State
430 W. Allegan St.
Richard H. Austin Building
4th Floor
Lansing, MI 48918

Re: General Counsel Application for Michigan Independent Citizens Redistricting Commission

To Whom It May Concern:

I am an attorney with fifteen years of experience in government, municipal and civil rights law and litigation, with significant experience representing municipalities and public boards and governing bodies. I am especially interested in the General Counsel position for the Michigan Independent Citizens Redistricting Commission, as it would allow me to use my unique experience and knowledge base to help ensure that the fundamental tenants of democracy are available to all citizens in the State of Michigan.

Currently, I represent private and public sector clients in government, civil rights, business and nonprofit law, including litigation. In this role, I am responsible for solving and anticipating legal, business and operational needs, which often include advising nonprofit and public boards and officials regarding the applicable law, including the Open Meetings Act; ensuring legal compliance with the law; negotiations and drafting policies and procedures. In addition to the knowledge and skills developed in my current role, I have over ten years of litigation experience representing municipal clients in both federal and state courts, as well as administrative hearings. As a former federal law clerk, I am familiar with the judicial, evidentiary and deliberative processes and I have been lauded for my legal writing and research skills as well as for my professional relationship with clients. I have actual trial experience and have conducted and/or defended close to 100 depositions, analyzed factual and expert discovery and interviewed potential witnesses. I have significant public speaking experience and am very comfortable engaging with government officials, board members and other attorneys. Additionally, in both my current position and as a Policy Analyst for the Michigan Senate I have been involved with advising and consulting with policy makers, general counsel and other government officials on official positions and strategy. I also advised government officials on the state of election and campaign finance law at the time.

I believe I would be an excellent fit for the General Counsel position with the Michigan Independent Citizens Redistricting Commission. A detailed résumé and answers to the supplemental questions are enclosed for your review. If you have any questions regarding my qualifications, I welcome the opportunity to discuss them. I look forward to hearing from you soon.

Sincerely,

[REDACTED]
Monifa K. Gray

**Supplemental Questions
For General Counsel Position
Michigan Independent Citizens Redistricting Commission**

1. Are you an active member of the state bar of Michigan, in good standing?

Yes, I have been an active member of the State Bar of Michigan in good standing since 2005.

2. How many years of experience do you have in the practice of law?

I have 10 or more years' experience in the practice of law.

3. How many years of experience do you have working in the public sector and/or Michigan state government?

I have 10 or more years' experience working in the public sector and/or Michigan state government.

4. Describe your leadership approach and explain how you have implemented this approach in your current/previous position(s).

I would describe my leadership approach as straightforward, collaborative, and leading by example. I am comfortable delegating tasks, trusting my staff and taking the lead on projects, however, also like to stay informed and involved with the team and work hands-on if needed. I believe that each staff member has unique talents and abilities that should be used to advance the entire team or project and that hearing from a diverse set of ideas is actually more beneficial and productive for all than forcing my views on everyone else.

This approach comes naturally to me and I have used it successfully in my current role as well as previous roles. I implement this approach by making sure I am open to hear the concerns and criticisms of my colleagues and staff and working together to determine the best way to handle an issue. I often seek out feedback and advice from others and welcome them to come to me whenever the need arises. I find that being open and honest with staff members makes them feel like that they are more than just a seat filler and that their work matters to the organization and produces better work product.

5. Do you have experience with the Open Meetings Act and parliamentary procedure established by Robert's Rules of Order for meetings?

Yes, I have experience with both the Open Meetings Act and parliamentary procedure established by Robert's Rules of Order for meetings. In my current role I have been advising clients on the Open Meetings Act and Robert's Rules of Order for approximately 3 years. Additionally, I was the primary attorney representing a county board on in a lawsuit where Robert's Rules of Order was a significant issue in the case. Additionally, I have been familiar with Robert's Rules of Order for over 20 years due to my involvement in community and social organizations.

6. How many years of experience do you have advising public boards, commissions or governing bodies?

I have 5 to 9 years of experience advising public boards, commissions or governing bodies.

7. Describe your experience with litigation and/or managing litigation counsel.

I have over 10 years of experience as a litigator, representing government and municipal clients. For over seven years I have been the primary attorney on my cases and have also been named as lead counsel on multiple cases. I have actual trial experience and have conducted and/or defended close to 100 depositions, analyzed factual and expert discovery and interviewed potential witnesses. I have been a member on five jury trial teams.

8. Do you have experience with the implementation and/or enforcement of federal redistricting law, including the Voting Rights Act of 1965?

I am familiar with the Voting Rights Act of 1965 and federal redistricting law as part of volunteer opportunities with the ACLU, the NAACP and on President Obama's 2008 presidential campaign. I served as a volunteer attorney challenger for the 2008 presidential election. Currently, I am a volunteer for both the ACLU and the NAACP, where I give presentations to community organizations regarding the recent changes in Michigan law due to the Constitutional amendments approved by Michigan voters in 2018 and answering voter questions on an attorney staff hotline.

9. Provide a writing sample (i.e. sample memorandum)

Please see attached writing sample.

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND**

MICHAEL D. SPISZ, ANDREW
ROCKY RACZKOWSKI, and
OAKLAND COUNTY REPUBLICAN
PARTY, a Michigan non-profit
corporation,

Plaintiffs,

Case No: 19-175918-CZ
Hon. Daniel P. O'Brien

v.

DAVID T. WOODWARD, an
individual, OAKLAND COUNTY
BOARD OF COMMISSIONERS, a
statutory legislative body, and DAVID
COULTER, in his capacity as Oakland
County Executive,

Defendants.

**DEFENDANT OAKLAND COUNTY BOARD OF COMMISSIONERS' BRIEF IN
SUPPORT OF ITS MOTION TO DISMISS IN LIEU OF ANSWER**

Defendant, OAKLAND COUNTY BOARD OF COMMISSIONERS, through its attorneys, the Allen Law Group, PC, for its Brief in Support of its Motion to Dismiss in Lieu of Answer states as follows:

FACTS

Oakland County, Michigan is organized under the Optional Unified Form of Government Act (“the Act”). MCL 45.551 *et. seq.* It is run by a County Executive who is elected by Oakland County residents for a four-year term. MCL 45.559. The Act states that when there is a vacancy in the county executive position “due to death or resignation of the elected county executive, the chief deputy shall take the constitutional oath of office and serve as the county executive until the county board of commissioners appoints a successor to the elected county executive or until a special election is held...” MCL 45.559a(1). The Oakland County Board of Commissioners (“Board”) is made up of 21 members, each representing a different district in the county. Oakland

County Board of Commissioners Website, About Us page, <https://www.oakgov.com/boc/about/Pages/default.aspx>. The Board is led by a Chairman, currently Defendant David Woodward. Currently, the Board is made up of 11 Democratic members and 10 Republican members. Plaintiff Michael Spisz is a Republican member of the Board. Plaintiff Andrew Rocky Raczkowski is the Chairman of Plaintiff Oakland County Republican Party.

On August 3, 2019, L. Brooks Patterson, the Oakland County Executive since 1992, passed away. That same day, pursuant to the Act, Chief Deputy Gerald Poisson, was sworn in as County Executive. On August 7, 2019, Defendant David Woodward tendered a letter of resignation to the Oakland County Clerk. (Pls' Ex. 3). Subsequently, the Board's Bipartisan Candidate Evaluation Study Group, a three-person committee comprised of Board members, interviewed five people for the position of County Executive, including Defendant Woodward, on or about August 14, 2019. (Pls' Ex. 4). The next day, prior to it being accepted by the Board, Mr. Woodward rescinded his letter of resignation. August 15, 2019 Woodward Letter, Attached hereto as Exhibit A. On August 16, 2019, the Board's Bipartisan Candidate Evaluation Study Group, which was created to fill the vacant County Executive position, announced that it did not recommend any candidate to be appointed to the office at that time. (Pls' Ex. 5). That same day, the Board held a meeting of the full Board, with Mr. Woodward serving in his capacity as Chairman. At the meeting, the Board voted to appoint Defendant David Coulter as the next County Executive. That same day, he was sworn in as Oakland County Executive.

The First Amended Verified Complaint for Declaratory Judgment, Preliminary and Permanent Injunctive Relief ("First Amended Complaint") seeking declaratory judgment and injunctive relief was filed on August 21, 2019 by Plaintiffs. That same day, Plaintiffs filed a Motion for Preliminary Injunction. Oral arguments for the Motion for Preliminary Injunction were

heard by the Court on August 28, 2019.¹ As explained in detail below, the First Amended Complaint should be dismissed in its entirety with prejudice as (1) Plaintiffs lack standing to bring the action, (2) Plaintiffs have not stated a claim upon which relief can be granted and (3) there are no material facts in dispute and Defendant Oakland County Board of Commissioners is entitled to judgment as a matter of law.

ARGUMENT

I. STANDARD OF REVIEW

Whether a party has legal standing to assert a claim is a question of law. *Michigan Ed Ass'n v Superintendent of Pub Instruction*, 272 Mich App 1, 4; 724 NW2d 728 (2006). Under MCR 2.116(C)(5), summary disposition is appropriate where “the party asserting the claim lacks the legal capacity to sue.” If a party lacks the legal capacity to sue, it lacks standing to bring the claims asserted. *Aichele v Hodge*, 259 Mich App 146, 152 n 2; 673 NW2d 452 (2003).

MCR 2.116(C)(8) “tests the legal sufficiency of a claim on the basis of the pleadings alone to determine whether the plaintiff has stated a claim upon which relief can be granted.” *Morden v Grand Traverse Co*, 275 Mich App 325, 331; 738 NW2d 278 (2007). When determining a motion under MCR 2.116(C)(8), a court may also examine documents referenced in the pleadings, *Woody v Tamer*, 158 Mich App 764, 770; 405 NW2d 213 (1987), and matters of public record. *Dalley v Dykema Gossett*, 287 Mich 296, 301 n. 1, 788 NW2d 679 (2010). A motion brought pursuant to MCR 2.116(C)(8) should be granted where the plaintiff's claim is unenforceable as a matter of law, regardless of any possible factual development. See *Rathburn v State Commonwealth For Boys*, 145 Mich App 303, 307-308; 377 NW2d 872 (1985).

¹ There is some dispute as to whether the Court denied the Motion for Preliminary Injunction on the record on August 28, 2019. Defendants assert that the Court denied the Motion for Preliminary Injunction where Plaintiffs claim that the Court did not make a decision, and thereby neither granted nor denied the motion. The Court's Register of Actions states that the Motion for Preliminary Injunction was denied.

Finally, a complaint should be dismissed pursuant to MCR 2.116(C)(10) where there is no genuine issue of material fact in dispute and defendant is entitled to judgement as a matter of law.

A motion to dismiss pursuant to MCR 2.116(C)(10) should be granted where there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. MCR 2.116(C)(10). A motion under MCR 2.116(C)(10) tests the factual sufficiency of the complaint. When evaluating a motion for summary disposition under MCR 2.116(C)(10), a trial court considers affidavits, pleadings, depositions, admissions, and other evidence submitted by the parties ... in the light most favorable to the party opposing the motion. Where the proffered evidence fails to establish a genuine issue regarding any material fact, the moving party is entitled to judgment as a matter of law.

Innovation Ventures v. Liquid Manufacturing, 499 Mich. 491, 507 885 N.W.2d 861 (Mich. 2016).

(internal citations and quotation marks omitted).

For the reasons discussed below, the First Amended Complaint should be dismissed as (1) Plaintiffs lack standing under MCR 2.116(C)(5), (2) Plaintiffs have not stated a claim upon which relief can be granted under MCR 2.116(C)(8) and (3) there is no genuine issue of material fact pursuant to MCR 2.116(C)(10).

II. PLAINTIFFS LACK STANDING TO BRING A CLAIM FOR DECLARATORY JUDGMENT

A. Plaintiffs Do Not Have A Special Injury That is Different from the Citizenry At Large

Where a plaintiff's complaint is premised upon a statute which does not expressly provide for a private right of action, "then a court should, in its discretion, determine whether a litigant has standing. *Lansing Sch Ed Ass'n*, 487 Mich 349; 792 NW2d 686 (2010). In this context, a litigant may have standing if he or she has a special injury or right, or substantial interest, that will be detrimentally affected in a manner different from the citizenry at large or if the statutory scheme implies that the Legislature intended to confer standing on the litigant." *Id* at 372. In this case, the Act does not provide an express private cause of action. As such, Plaintiffs must plead and establish that they have sustained an injury that differs from that of any other citizen of Oakland

County. See also *White v Highland Park Election Comm*, 312 Mich App 571; 878 NW2d 491 (2015); *Fieger v Comm'r of Ins*, 174 Mich App 467, 472; 437 NW2d 271 (1988) (No matter the issue, “a plaintiff must still allege a distinct and palpable injury to himself, even if it is an injury shared by a large class of other possible litigants. Without such limitation, courts would be continually called upon to decide abstract questions on hypothetical issues.”).

Plaintiffs have not pled any facts to show that they have “special injury or right, or substantial interest” that would be detrimentally impacted by the Board’s statutorily granted authority to appoint a successor to fill the vacancy in the office of the county executive that differs from that of other citizens of Oakland County. *Lansing Sch Ed Ass’n*, 487 Mich at 372. Since Plaintiffs have no legally cognizable interest separate and apart from the rest of the electorate, summary disposition is appropriate under MCR 2.116(C)(5). Therefore, in order to establish standing, Plaintiffs would have to plead specific facts showing that they have sustained an injury separate and distinct from that of any other citizen of Oakland County and they have not done so. As such, Plaintiffs cannot show that they have standing to bring the current action.

B. Plaintiffs Also Cannot Show the Existence of An Actual Controversy

Not only have Plaintiffs failed to establish they have suffered an injury separate and distinct from other members of the citizenry, they also cannot show the existence of an actual controversy. Under the declaratory judgment rule, a court may declare the rights and other legal relations of an interested party seeking a declaratory judgment. MCR 2.605. The declaratory judgment rule “incorporates the doctrines of standing, ripeness, and mootness.” *UAW v Central Mich Univ Trustees*, 295 MichApp. 486, 495; 815 NW2d 132 (2012). The essential requirement of an action for declaratory relief is an “actual controversy.” *Lansing Sch Ed Ass’n*, 487 Mich 349, 372 n 20;. In *Shavers v. Attorney General*, 402 Mich 554, 588; 267 NW2d 72 (1978), the Michigan Supreme Court held: “The existence of an ‘actual controversy’ is a condition precedent to invocation of

declaratory relief. In general, an “actual controversy” exists where a declaratory judgment or decree is necessary to guide a plaintiff’s future conduct in order to preserve his legal rights.” *Lansing Sch Ed Ass’n*, 487 at 372 n 20 (emphasis added). Where there is no actual controversy, the court lacks jurisdiction to issue a declaratory judgment. *Citizens for Common Sense in Gov’t v Attorney General*, 243 Mich App 43, 55; 620 NW3d 546 (2000).

As discussed above, Plaintiffs have failed to plead and establish any injury separate and apart from the general electorate of Oakland County. Further, the First Amended Complaint does not show how the requested relief would guide Plaintiffs’ future conduct in order to preserve their legal rights, as required for an action for declaratory judgment. Neither of the individual Plaintiffs, Mr. Spisz nor Mr. Razczkowski, even applied for the County Executive position. Additionally, Plaintiff Spisz is a current member of the Board and therefore cannot serve as County Executive. And Plaintiff Oakland County Republican Party cannot serve in the position as an entity. Therefore, the only injury Plaintiffs could even potentially suffer is the same as any other member of the public. For these reasons, Plaintiffs do not have standing to seek declaratory relief and this Court should dismiss the First Amended Complaint in its entirety with prejudice.

III. THE BOARD ACTED IN ACCORDANCE WITH STATE LAW, THE BOARD RULES AND ITS PAST PRACTICES

A. The Board’s Actions Complied with Michigan Common Law

Michigan common law has long established that the resignation of a public official is accepted by either a “formal declaration or by the appointment of a successor.” *Edwards v. United States*, 103 U.S. 471, 474 (1880), adopted by Michigan courts in *Clark v. Board of Education*, 112 Mich 656, 657 (1897) and *Radosa v. Brady Twp Bd of Trustees*, 2003 Mich. App. LEXIS 2936, *2-3 (“our Supreme Court applied *Edwards* and held that the resignation of a public officer is not complete until it has been accepted by the proper authority”) attached hereto as Exhibit B. The Michigan Attorney General has opined that, the resignation of a public official is not effective until

it has been accepted by the proper public body. 1986 OAG No. 6405, 1. The Attorney General stated: “Acceptance of the resignation may be manifested by formal declaration or by the appointment of a successor thereto.” *Id.* Where a statute is silent as to the acceptance of a resignation, general principles of law govern. *Edwards*, 103 U.S. at 474 (“Resignations of other officers are directed to be made generally to the officer or officers who appointed them, or who may be authorized by law to order a special election to fill the vacancy. These provisions indicate a general intention in conformity with the principles of the common law... But it is nowhere declared when a resignation shall become complete. This is left to be determined upon general principles.”).

Under Michigan law, a resignation is accepted either by *formal declaration* of the appropriate body or appointment of a successor. *Clark*, 112 Mich 656, 657 (1897) and *Radosa*, 2003 Mich. App. LEXIS 2936, *2-3. It is undisputed that the Board neither made a formal declaration accepting Defendant Woodward’s resignation or appointed his successor prior to him rescinding his resignation on August 15, 2019. Based on Michigan common law, it cannot be shown that the Board ever accepted the resignation of Mr. Woodward or that he did not have the authority to withdraw his resignation. As such, Plaintiffs cannot establish that Mr. Woodward is improperly seated on the Board and further, that as a result, the vote to appoint Plaintiff Coulter was improper.

B. The Board’s Actions Complied with the Board Rules

On January 9, 2019, the Board approved and adopted its 2019-2020 Rules for the Oakland County Board of Commissioners “(Board Rules)”. 2019-2020 Board Rules, attached hereto as Exhibit C. The pertinent portion of the Board Rules states:

Robert’s Rules of Order, Newly Revised Edition, shall be the parliamentary authority of the Board of Commissioners and shall govern proceedings of the Board

and its committees. Rules adopted by the Board of Commissioners shall supersede any rules in the parliamentary authority with which they conflict.

Board Rules I(A) at 5. Robert's Rules of Order states, in part:

Every resignation should be put to a vote. When it is accepted, the office is vacant and should be immediately filled according to the rules for filling vacancies stated in the bylaws.

If an officer submits a resignation and then decides to withdraw it, he or she can do this until a vote is taken. It is unjust for a secretary or governing body not to allow a withdrawal of the resignation before a vote is taken. The only way a resignation can't be withdrawn is if some rule of the organization or a state statute prohibits it.

Webster's New World, Robert's Rules of Order Simplified and Applied (3rd ed. 2014), Rule 11, *Handling Resignations*. Even based solely on the Board's adopted rules, Defendant Woodward had the right to withdraw his resignation prior to a vote being taken by the Board. It is undisputed that the Board did not vote to accept Mr. Woodward's resignation prior to his August 15, 2019 withdrawal of the resignation letter. As such, the Board's actions taken on August 16, 2019 complied with the established Board rules and were proper.

C. The Board's Actions Followed Past Practice

Finally, even considering the past practices of the Board regarding the acceptance of resignations, the Board acted in accordance with its past practice. Based on publicly available minutes from prior Board meetings, the past practice of the Board has been to take formal action on resignations of Board members. On January 13, 2000, the Board voted to accept the resignation of former Commissioner Dan Devine, effective January 18, 2000. January 13, 2000 Board Minutes, attached hereto as Exhibit D. On October 20, 2001, the Board voted to accept the resignation of former Commissioner Frank Millard. October 20, 2001 Board Minutes, attached hereto as Exhibit E. The October 20, 2001 Minutes explicitly state "A sufficient majority having voted therefore, Chairperson Frank H. Millard Jr.'s resignation was accepted." *Id.* The Board Minutes from January 5, 2011 indicates that the resignation of Commissioner Bill Bullard Jr., was

received and filed by the Board. January 5, 2011 Board Minutes, attached hereto as Exhibit F. The March 7, 2012 Board Minutes stated that the resignation of Commissioner Tim Griemel was accepted. March 7, 2012 Board Minutes, attached hereto as Exhibit G. Finally, on November 12, 2015, the Board voted on the resignation of Commissioner Jeff Matis. November 12, 2015 Board Minutes, attached hereto as Exhibit H. The November 12, 2015 Minutes state “A sufficient majority having voted in favor, the letter of resignation was received and filed. There were no objections.” *Id.*

As evident by the past Board minutes, the Board has established a long-standing practice of taking formal action and/or making a formal declaration of accepting the resignation of a sitting Commissioner. In many instances, the Board actually held a formal vote to accept the resignation. Here, it is undisputed that the Board never made a formal declaration and/or took formal action regarding the August 7, 2019 letter of resignation tendered by Defendant Woodward. As such, he was free to withdraw said letter of resignation and therefore he lawfully participated in the vote on August 16, 2019 appointing Defendant Coulter as Oakland County Executive.

Based on Michigan common law, the Board’s own 2019-2020 Board Rules and its past practices, the Board acted lawfully and properly in this instance and Plaintiffs cannot prove a cause of action against Defendant Oakland County Board of Commissioners. For that reason, the First Amended Complaint should be dismissed with prejudice.

CONCLUSION

WHEREFORE, for the forgoing reasons, the First Amended Complaint should be dismissed as (1) Plaintiffs lack standing to bring the action, (2) Plaintiffs have not stated a claim upon which relief can be granted and (3) there are no material facts in dispute and Defendant Oakland County Board of Commissioners is entitled to judgment as a matter of law. As such,

Defendant, OAKLAND COUNTY BOARD OF COMMISSIONERS, respectfully asks this Honorable Court to grant its Motion to Dismiss in Lieu of Answer with prejudice.

Respectfully submitted,

/s/ Monifa K. Gray
Monifa K. Gray