

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt
Clerk

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Filed: August 16, 2018

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Re: Case No. 18-1881, *Rashad Buni, et al v. Wayne County*
Originating Case No. : 2:18-cv-12243

Dear Counsel,

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Cheryl Borkowski
Case Manager
Direct Dial No. 513-564-7035

cc: Mr. David J. Weaver

Enclosure

No. 18-1881

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Aug 16, 2018
DEBORAH S. HUNT, Clerk

RASHAD BUNI; DENZEL CAMPBELL;)
BRANDEN SNYDER,)

Plaintiffs-Appellants,)

v.)

WAYNE COUNTY,)

Defendant-Appellee.)

ORDER

Before: KEITH, GRIFFIN, and LARSEN, Circuit Judges.

Plaintiffs appeal the denial of preliminary injunctive relief in this action alleging due process claims and violations of statutory notice requirements in connection with a municipal bond sale for the financing of a new county criminal justice center. They move for an order enjoining Wayne County from selling any bonds pending their appeal. Wayne County opposes the motion and moves to exceed the page limitation for its response in opposition.

Pursuant to MCL § 141.2517, Wayne County published a Notice of Intent to issue the bonds in the Detroit News and in the Detroit Free Press on Tuesday, April 17, 2018. The statutory forty-five-day period for taxpayers to petition for a referendum on the issuance of the bonds expired on June 1, 2018, without the filing of a petition for a referendum.

Plaintiffs filed this action challenging the adequacy of the Notice of Intent on July 17, 2018. Following a hearing held on July 25, 2018, the district court denied their motion for preliminary injunctive relief for the reasons set forth on the record. On August 3, 2018, the district court denied

No. 18-1881

-2-

their motion for an injunction pending appeal. Wayne County states that the bonds were sold on August 8, 2018, two days prior to Plaintiffs' filing of the instant motion seeking to enjoin the sale. The bonds have been trading since that time, and Wayne County has committed to deliver the bonds to the investors on August 16, 2018.

Plaintiffs, as the movants, must demonstrate "that the circumstances justify" the exercise of discretion to grant injunctive relief pending review. *Nken v. Holder*, 556 U.S. 418, 434 (2009). Four factors guide the court's consideration: (1) whether Plaintiffs have a likelihood of success on the merits; (2) whether they will suffer irreparable harm in the absence of a stay; (3) whether the requested injunctive relief will substantially injure other interested parties; and (4) where the public interest lies. *Id.* at 434. "The first two factors of the traditional standard are the most critical." *Id.* Moreover, the stay factors "are not prerequisites that must be met, but are interrelated considerations that must be balanced together." *Serv. Emps. Int'l Union Local 1 v. Husted*, 698 F.3d 341, 343 (6th Cir. 2012) (citation omitted).

The district court found that it was highly unlikely that Plaintiffs would succeed on the merits of their appeal because the Notice of Intent complied with the applicable Michigan statute. The district court concluded that Plaintiffs had not demonstrated irreparable harm and that an injunction pending appeal would not be in the public interest. Plaintiffs have not demonstrated an abuse of discretion by the district court in denying preliminary injunctive relief.

And, to the extent that the motion for an injunction pending appeal is not moot, a balance of the equities does not weigh in favor of enjoining Wayne County. Plaintiffs' claims of irreparable harm appear to be speculative, and Wayne County has demonstrated that it will suffer significant harm if it is enjoined from completing the bond financing. Finally, we agree with the district court that an injunction pending appeal is not in the public interest.

No. 18-1881

-3-

The motion to exceed the page limitation is **GRANTED**; the motion for injunctive relief pending appeal is **DENIED**.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", is written over a horizontal line.

Deborah S. Hunt, Clerk