

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

HEART OF THE LAKES COMMUNITY, INC, et al.,

Plaintiffs,

v

WEST BLOOMFIELD SCHOOL DISTRICT, et al.,

Defendants.

Case No. 24-206217-CZ
Hon. Phyllis C. McMillen

ORDER GRANTING EX PARTE TEMPORARY RESTRAINING ORDER

Plaintiffs filed a First Amended Verified Complaint; an Emergency Motion; and an Amended Emergency Motion seeking, among other things, an ex parte temporary restraining order and order to show cause. Injunctive relief is an extraordinary remedy that issues only when justice requires, there is no adequate remedy at law, and there exists a real and imminent danger of irreparable injury. Granting injunctive relief is within the sound discretion of the trial court. *Kernen v Homestead Dev Co*, 232 Mich App 503, 509-510; 591 NW2d 369 (1998).

The Court finds that Plaintiffs are entitled to an ex parte temporary restraining order. For the reasons set forth in the Amended Motion and supporting affidavits, the Court finds there is no adequate remedy at law and there is a real and imminent danger of irreparable injury in the absence of a restraining order.

Further, Plaintiffs have demonstrated, by specific facts set forth in affidavits and verified pleadings that immediate and irreparable injury, loss, or damage will result from the delay required to effect notice or from the risk that notice will itself precipitate adverse action before an order can be issued. MCR 3.310(B)(1)(a). In fact, Plaintiffs

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allege that demolition and asbestos abatement at the Roosevelt School has already begun, and this is supported by affidavit. Thus, the Court finds that notice is not required.

WHEREFORE, IT IS HEREBY ORDERED as follows:

1. Defendant West Bloomfield School District (“WBSD”) is restrained and prohibited from taking any further action in furtherance of demolishing Roosevelt School.

2. WBSD must maintain Roosevelt School in its present condition.

3. The injunctive relief against Defendants is binding, in accordance with MCR 3.310(C)(4), on Defendants’ officers, agents, servants, employees, and attorneys, and on all persons in active concert or participation with them who receive notice of this Order by personal service or otherwise.

4. Security is not required for the issuance of this restraining order because this involves a matter of public concern.

5. Defendants shall appear before this Court on **Wednesday, March 27, at 11:00 a.m.** via Zoom (meeting ID 248 858 0337) to show cause why the restraining order should not be made a preliminary injunction.

6. A copy of the summons, Amended Complaint, Amended Motion, and this Order must be served upon Defendant WBSD by close of business on Friday, March 22, 2024. Plaintiffs must file a proof of service.

This Order is issued on March 22, 2024, at 10:43 a.m./~~p.m.~~

IT IS SO ORDERED.



Phyllis C. McMillen, Circuit Judge