

STATE OF MICHIGAN  
WAYNE COUNTY CIRCUIT COURT

DEERHURST CONDOMINIUM  
OWNERS ASSOCIATION, INC., a  
Michigan non-profit corporation, and  
WOODVIEW CONDOMINIUM  
ASSOCIATION, a Michigan non-profit  
corporation, individually and as  
representatives of a class of  
similarly-situated persons and entities,

Plaintiffs,

v.

CITY OF WESTLAND,  
a municipal corporation,

Defendant.

Case No. 2015-006473-CZ  
Hon. Daphne Means Curtis

15-006473-CZ

15-006473-CZ

FILED IN MY OFFICE  
WAYNE COUNTY CLERK

CATHY M. GARRETT

/s/ Clara Rector

---

Gregory D. Hanley (P51204)  
Jamie K. Warrow (P61521)  
Edward F. Kickham Jr. (P70332)  
Kickham Hanley PLLC  
32121 Woodward Avenue, Suite 300  
Royal Oak, MI 48073  
248) 544-1500  
Attorneys for Plaintiffs

James M. Pelland (P51237)  
Michael M. McNamara (P48055)  
Fausone Bohn, LLP  
41700 W. Six Mile Road, Suite 101  
Northville, MI 48168  
(248) 380-0000  
Attorneys for Defendant

10/17/2016

Dean C. Robinette (P54197)  
Foley & Robinette, P.C.  
13349 Reeck Court  
Southgate, MI 48195  
(734) 283-4000  
Co-counsel for Plaintiffs

---

**ORDER GRANTING PLAINTIFFS' VERIFIED EMERGENCY MOTION  
FOR ENTRY OF A PRELIMINARY INJUNCTION  
PROHIBITING DEFENDANT'S COMMUNICATIONS TO CLASS MEMBERS  
CONCERNING THIS CASE AND OTHER CONDUCT**

At a session of the Wayne County Circuit Court  
held in the City of Detroit, State of Michigan  
on this 10/17/2016 day of October 2016

William Giovan

PRESENT: HON. \_\_\_\_\_

Circuit Court Judge

This matter having come before the Court upon the emergency verified motion of the Plaintiffs, the Court having reviewed the parties' briefing and heard the parties' oral argument; the Court finding that a legal basis for issuing a preliminary injunction exists for reasons stated on the record, including the Court's finding that information on the City's website was intended to "basically scare or attempt to scare people who might be members of the Class into not joining the class" and the Court's finding that the City's website contained "hyperbole, or threats or other methods of intimidation"; and the Court being otherwise advised in the premises:

1. **IT IS ORDERED** that Plaintiffs' motion for a preliminary injunction prohibiting the City from engaging in direct, ex parte, non-public communication with members of the Plaintiff Class regarding this lawsuit is **GRANTED**.
2. **IT IS FURTHER ORDERED** that the City is hereby enjoined from engaging in direct, ex parte non-public communication with members of the Plaintiff Class concerning the subject matter of this Lawsuit until further order of the Court. Specifically, the City may not answer direct, ex parte non-public questions presented to it by Class members concerning the subject matter of this Lawsuit and shall refer all direct, ex parte, non-public inquiries from Class members to the Class Notice posted on its website for further information. The City shall, within three (3) business days of the entry of this Order, immediately remove from its website any and all references to the dedicated call number, the information form, and the email address that it established to directly answer questions from Class Members regarding the lawsuit.
3. **IT IS FURTHER ORDERED** that the Defendant City of Westland shall, within three (3) business days of entry of this Order, remove the following statements on its website:

"However, if the Plaintiffs and the class members are determined to be entitled to a refund of any past water and/or sewer charges, or if the City is required to reduce its water and sewer rates going forward, this may impact the financial stability of the Water and Sewer Fund."

“Future rates will likely have to rise to recover from the costs of defending this lawsuit and any damages that may result.”

“Ultimately, there is no net benefit to the current residents of the City if the class members prevail. This suit is designed to benefit the opposing legal counsel who is set to receive one-third of any refund or payment the City is required to make to the class members. Any amount paid for the class members’ legal fees would ultimately be an expense incurred by the City residents.”

“If you have any further questions or concerns, please complete the online form below, email us at [waterclassaction@cityofwestland.com](mailto:waterclassaction@cityofwestland.com) or call 734-793-9330.”

“We’re here to help. Please take a minute to complete this simple form below and we’ll do our best to answer your question. Alternatively, you may call 734-793-9330 and leave your question in our dedicated message box.”

4. **IT IS FURTHER ORDERED** that the City is enjoined from disseminating oral or written statements concerning what the City believes the financial consequences will be of this litigation and/or statements concerning the financial benefit to the attorneys representing the Class.
5. **IT IS FURTHER ORDERED** that, subject to the prohibitions and restrictions in Paragraphs 1 through 4 above, the City is not otherwise enjoined from providing information concerning this action.
6. **IT IS FURTHER ORDERED** that Defendant City of Westland shall, within three (3) business days of the entry of this Order, post a copy of the Class Notice and the Correction thereto which sets forth the correct opt-out date on its website.
7. **IT IS FURTHER ORDERED** that the prohibitions and restrictions set forth in this Order shall not apply to communications by and among the City’s Mayor, the City’s Council, and other employees, agents and representatives of the City concerning the subject matter of this action, even if those individuals are members of the Class.
8. **IT IS FURTHER ORDERED** that this Order is binding upon the City, its officers, agents, servants, employees, and on those persons in active concert or participation with the City who receive actual notice of the order by personal service or otherwise.

**SO ORDERED.**

/s/ William Giovan a/f Hon. Daphne Means Curtis

---

Circuit Court Judge

KH147863;2

**Approved as to Form Only:**

**Kickham Hanley PLLC**

/s/ Gregory D. Hanley  
Gregory D. Hanley (P51204)  
Counsel for Plaintiffs and the Class

**Foley & Robinette, P.C.**

/s/ Dean C. Robinette  
Dean C. Robinette (P54197)  
Co- Counsel for Plaintiffs and the Class

**Fausone Bohn LLP**

/s/ James M. Pelland  
James M. Pelland (P51237)  
Counsel for Defendant

## Kim Plets

---

**From:** efilimgmail@tylerhost.net  
**Sent:** Monday, October 17, 2016 10:15 AM  
**To:** Kim Plets  
**Subject:** Accepted Filing Notification for Case:(Deerhurst Condominium Owners Association, Inc. , et al. v City of Westland), Filing Code:(Order Granting Motion, Signed and Filed), Filing Type:(EFileAndServe)

This is an accepted filing notification for Case No. 15-006473-CZ, Deerhurst Condominium Owners Association, Inc. , et al. v City of Westland.

This message was automatically generated; do not reply to this email.

Should you have any problems viewing or printing this document, please call (800) 297-5377.

Date Submitted: 10/13/2016 4:53:58 PM

Date Accepted: 10/17/2016 10:15:04 AM

### View Document

If the links above do not work, copy this URL into your browser's address bar to view the document:  
<http://mi-tjc.tylerhost.net/ViewDocuments.aspx?FID=cbe0037f-8bbf-4e31-877b-4e72c58ef1f3>

## Kim Plets

---

**From:** efilngmail@tylerhost.net  
**Sent:** Monday, October 17, 2016 10:15 AM  
**To:** Kim Plets  
**Subject:** Service of e-filing in case 15-006473-CZ

This is a service filing for Case No. 15-006473-CZ

This message was automatically generated; do not reply to this email.

Should you have any problems viewing or printing this document, please call (800) 297-5377.

Date Submitted: 10/13/2016 4:53:58 PM

Case Style: Deerhurst Condominium Owners Association, Inc. , et al. v City of Westland

Filing Code: Order Granting Motion, Signed and Filed

The following are the service contacts on this filing:

Woodview Condominium Association:

Dean Robinette ([foleyrobinettepc@gmail.com](mailto:foleyrobinettepc@gmail.com))

Deerhurst Condominium Owners Association, Inc.:

Dean Robinette ([foleyrobinettepc@gmail.com](mailto:foleyrobinettepc@gmail.com))

City of Westland:

Michael McNamara ([mmcnamara@fb-firm.com](mailto:mmcnamara@fb-firm.com))

Elizabeth Florkowski ([eflorkowski@fb-firm.com](mailto:eflorkowski@fb-firm.com))

Lisa Paliszewski ([lpaliszewski@fb-firm.com](mailto:lpaliszewski@fb-firm.com))

James Pelland ([jpelland@fb-firm.com](mailto:jpelland@fb-firm.com))

Other Service Contacts not associated with a party on the case:

Gregory Hanley ([ghanley@kickhamhanley.com](mailto:ghanley@kickhamhanley.com))

Jamie Warrow ([jwarrow@kickhamhanley.com](mailto:jwarrow@kickhamhanley.com))

Kimberly Plets ([kplets@kickhamhanley.com](mailto:kplets@kickhamhanley.com))

Demetrece Welch ([admin@demetrecetheparalegal.com](mailto:admin@demetrecetheparalegal.com))

Edward Kickham III ([ekickhamjr@kickhamhanley.com](mailto:ekickhamjr@kickhamhanley.com))

### Download Document

If the links above do not work, copy this URL into your browser's address bar to download the document:  
<http://mi-tjc.tylerhost.net/ViewServiceDocuments.aspx?ADMIN=0&SID=60e14280-0ebb-4781-9bc5-dd37bb344ef4&RID=ff031f0b-eaeb-43da-b463-65f608338734>

**Kim Plets**

---

**From:** efilngmail@tylerhost.net  
**Sent:** Thursday, October 13, 2016 4:54 PM  
**To:** Kim Plets  
**Subject:** Submitted Filing Notification for Case No. 15-006473-CZ (Deerhurst Condominium Owners Association, Inc. , et al. v City of Westland)

This is a submitted filing notification for Case No. 15-006473-CZ, Deerhurst Condominium Owners Association, Inc. , et al. v City of Westland.

Filing Code:(Order accepted-waiting for judge's signature)

Filing Type:(EFileAndServe)

Date Submitted: 10/13/2016 4:53:58 PM

This message was automatically generated using Odyssey File & Serve; do not reply to this email.

Should you need technical assistance, please call (800) 297-5377.