

STATE OF MICHIGAN
IN THE COURT OF APPEALS

AFSCME COUNCIL 25, AND ITS
AFFILIATED LOCALS,

Plaintiff-Appellant

Court of Appeals No. 333981
Lower Court Case No. 15-011774-

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v

CHARTER COUNTY OF WAYNE
and WARREN EVANS, ITS COUNTY EXECUTIVE

Defendant-Appellee

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PLAINTIFF-APPELLANTS' RESPONSE TO DEFENDANT-APPELLEES'
MOTION FOR IMMEDIATE CONSIDERATION OF MOTION TO DISMISS FOR

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**UNTIMELINESS OR, IN THE ALTERNATIVE, TO AFFIRM THE TRIAL COURT'S
GRANT OF SUMMARY DISPOSITION**

PLAINTIFF-APPELLANTS' REQUEST ORAL ARGUMENTS

Now comes Plaintiff-Appellants (hereinafter called Plaintiff) by and through its attorney, Jamil Akhtar, P.C. by Jamil Akhtar and in response to the Defendant-Appellees' (hereinafter called Defendant) Motion for Immediate Consideration of Motion to Dismiss for Untimeliness, or in the Alternative, to Affirm the Trial Court's Grant of Summary Disposition, answers as follows:

1. The Defendants bring its Motion under the provisions of MCR.7.205(E)(2) and said Motion is not presented in good faith and is further, to be considered a frivolous motion. The Defendants have not stated, the reason why "an immediate hearing is required". The Defendants in this case are the Appellees; are not facing any immediate action ordered by the Trial Court; and have filed this Motion without justification in fact or law. Pursuant to MCR 2.114, this Court should consider the Defendants' action to be frivolous and the Defendants should be sanctioned.

2. The second basis for the Defendants' Motion for Immediate Consideration is MCR 7.211(C)(7), in part states:

"The Motion must state facts showing why immediate consideration is required.....".

The Defendants' Motion does not state facts as to why immediate consideration is required, but merely makes reference to a companion "Motion to Dismiss for Untimeliness, or In The Alternative, to Affirm the Trial Court's Grant of Summary Disposition and Brief in Support.....".

3. In further support for Defendants' Motion for Immediate Consideration, the Defendants conclude its argument by stating in part:

".....this case is a groundless collateral attack on a DECISION by the Michigan Employment Relations Commission ("MERC") entered October 16, 2015". (Ex 1).

Further, the Defendants state:

"The Trial Court dismissed the very same claim; Plaintiff/Appellant brought before the MERC and Plaintiff/Appellants should not be permitted to cause this Court or the Defendants any more time or expense on this appeal".

These (2) arguments by the Defendants are not grounds for this Court to grant immediate consideration.

WHEREFORE, PLAINTIFFS RESPECTFULLY REQUEST that this Honorable Court deny the Defendant's Motion for Immediate Consideration and that Plaintiffs be given the opportunity to respond to the Defendants' Motion to Dismiss after the transcripts have been delivered by the Court Reporter.

Dated: August 15, 2016

Respectfully submitted,

/S/ Jamil Akhtar
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CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2016, I electronically filed the Plaintiff-Appellant's (1) Response to Defendant-Appellees' Motion to Dismiss For Untimeliness and (2) Response to Motion for Immediate Consideration and

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(3) Brief in Opposition to Motion to Dismiss for Untimeliness, et al and this Certificate of Service, with the Clerk of the Court using the TrueFiling electronic filing system which will send notification of such filing to all parties of record.

/s/Jamil Akhtar

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