

STATE OF MICHIGAN  
IN THE WAYNE COUNTY CIRCUIT COURT

**AFSCME COUNCIL 25, AND  
ITS AFFILIATED LOCAL 3317**

File No. 15-011774 CK

Plaintiffs

Hon. John A. Murphy

Vs.

**CHARTER COUNTY OF WAYNE AND  
WARREN EVANS, COUNTY EXECUTIVE,**

Defendants

**JAMIL AKHTAR P38597**

Jamil Akhtar

Attorney for Plaintiff

7577 US Hwy. 12

Onsted, MI 49265

Tx 517-467-7373

Email: [jimakhtar@att.net](mailto:jimakhtar@att.net)

---

**PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER,  
SHOW CAUSE ORDER AND PRELIMINARY INJUNCTION**

Plaintiff request that this court issued a temporary restraining order and an order to show cause why a preliminary injunction should not be issued pursuant to MCR 3.310, for the following reasons and those outlined in the attached Brief in Support:

1. On September 10, 2015, Plaintiff filed a Verified Complaint with the court.
2. As stated in Plaintiff's Verified Complaint and the attached Affidavit of Richard Johnson, Defendant has made a decision, without any legal authority to do so, to

change, delete, remove and/or modify, on September 20, 2015 all of the wages, hours and other terms and conditions of employment presently contained in the Plaintiff's collective bargaining agreement.

3. The Defendants take this unilateral action despite the fact that Section 13 of Act 312 of the Public Acts of 1969, as amended, being MCL 423.243, requires that the Plaintiffs' unions Collective Bargaining Agreement, shall not be changed or modified during the pendency of an Act 312 arbitration proceeding. Section 13 of Act 312, provides as follows:

“Sec. 13. During the pendency of proceedings before the arbitration panel existing wages, hours and other conditions of employment shall not be changed by action of either party without the consent of the other but a party may so consent without prejudice to his rights or positions under the this act.”

4. Plaintiff claims that it has a valid contract, wherein the Defendants specifically agreed, in writing, that it would participate in the Act 312 Arbitration process in exchange for Plaintiff giving the Defendant Evans an opportunity, upon taking office in January 1, 2015 to have a total review of the employment agreement with Plaintiffs union. (Exhibit 3; attached brief in support of this motion).
5. For the reasons stated in Plaintiff's Verified Complaint and Affidavit of Richard Johnson, that unless Defendant is enjoined from unilaterally changing Plaintiff's Collective Bargaining Agreement, Plaintiff and its members will be irreparably harmed, by having their wages, hours and other terms and conditions of employment unilaterally changed, altered or done away with by the Defendants.

6. Plaintiff has no adequate remedy at law.
7. Any delay in the issuance of a temporary restraining order until the hearing on a preliminary injunction, will result in the following immediate and irreparable harm:
  - a) the Act 312 arbitrator was requested by the Defendants to dismiss Plaintiff's petition for Act 312 arbitration, the chairman of the Act 312 panel would not dismiss the Act 312 petition; however, the chairman has determined to cancel hearings which have been mutually agreed to by the Defendants;
  - b) according to the applicable provisions of Act 312, the arbitration process must be concluded by approximately December 19, 2015;
  - c) by refusing to engage in the arbitration process, the Defendants are in direct violation of the PERA, relating to compulsory arbitration of Collective Bargaining Agreements by Police and Fire Unions.
8. Upon the service of the summons, complaint, motion for temporary restraining order, order to show cause and preliminary injunction that this Honorable Court schedule a hearing..
9. Plaintiff is able to establish the four factors for the court to determine, if a preliminary injunction should be ordered:
  - a) **the likelihood that a party seeking the injunction will prevail on the merits,**

- b) the danger that the party seeking the injunction will suffer irreparable injury if the injunction is not issued,**
- c) the risk that the party seeking the injunction would be harmed more by the absence of an injunction than the opposing party would be by the granting of the relief,**
- d) the harm to the public interest if the injunction is issued.**

**PLAINTIFF REQUEST THAT THIS COURT ORDER THE FOLLOWING:**

- 1) Defendant is immediately enjoined and restrained, directly or indirectly, whether their alone or in concert with others, including, any officer, agent, employee and/or representative of the county executive, county board of commissioners or executive officers, until further order of this court, from doing any of the following:
  - a) unilaterally changing, modifying or deleting any term and condition of employment which is presently containing within the parties collective bargaining agreement;
- 2) This Order shall remain in full force and effect until this court specifically orders otherwise.
- 3) Defendant shall show cause before this court on \_\_\_\_\_, 2015 at \_\_\_\_\_ am/pm, or as soon thereafter as counsel may be heard, why a preliminary injunction should not be ordered according to the terms and conditions set forth above.

Respectfully submitted,

JAMIL AKHTAR, P.C.

By: /S/ Jamil Akhtar  
JAMIL AKHTAR (P38597)  
Attorney for Charging Party  
7577 US Highway 12, Suite B  
Onsted, MI 49265  
(248) 770-0007  
Jimakhtar@att.net

Dated: September 10, 2015

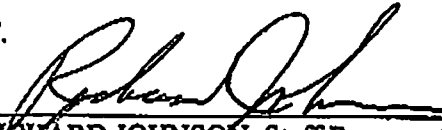
Approved by the Honorable \_\_\_\_\_  
Circuit Court Judge

**AFFIDAVIT OF RICHARD JOHNSON**

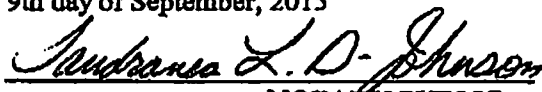
RICHARD JOHNSON, after being first duly sworn, deposes and states that he is otherwise competent to testify herein, he makes this Affidavit under penalty of perjury and if called upon by this Honorable Court would testify as follows:

1. I am the staff representative of AFSCME Council 25 and its affiliated Local 3317. I submit this Affidavit in support of Plaintiff's Motion for Temporary Restraining Order and/or Preliminary Injunction. I am competent to testify to the following facts and do so with personal knowledge as to same.
2. I am personally familiar with the facts and circumstances of the actions of the Defendant as set forth in the Complaint and in the Motion for Injunctive Relief.
3. I am employed by AFSCME Council 25 as its Staff Representative for all of Wayne County local unions, including Local 3317.
4. I have more than 30 years of experience in collective bargaining and representing unions and its members. On September 1, 2015, the Defendants filed a motion to dismiss Local 3317's Act 312 petition.
5. I have read the complaint, motion for injunction and brief in support and state that the facts as set out therein are, based upon personal Knowledge true.

FURTHER, DEPONENT SAITH NOT.

  
 \_\_\_\_\_  
 RICHARD JOHNSON, Staff Representative  
 AFSCME Council 25

Subscribed and sworn to before me this  
9th day of September, 2015

  
 \_\_\_\_\_  
 NOTARY PUBLIC