

MICHIGAN SUPREME COURT

Charter Township of Ypsilanti v. Judith Pontius

No. SC: 158816, Michigan Supreme Court (September 29, 2020)

SUMMARY

The Michigan Supreme Court vacated the Court of Appeals judgment in this zoning or land use dispute between Charter Township of Ypsilanti and Judith Pontius, remanding for reconsideration in light of **DeRuiter v Byron Twp**. The order, issued after holding the application in abeyance pending **DeRuiter**, directs the lower court to apply the legal principles established in that case. This procedural ruling does not reach the merits but requires the Court of Appeals to reassess its prior decision under the new precedent.

CASE DETAILS

COURT	Michigan Supreme Court
WRITING FOR THE COURT	Bridget M. McCormack; David F. Viviano; Stephen J. Markman; Brian K. Zahra; Richard H. Bernstein; Elizabeth T. Clement; Megan K. Cavanagh
JURISDICTION	Michigan
DECIDED	September 29, 2020
DOCKET	SC: 158816
DISPOSITION	vacated
PROCEDURAL POSTURE	Application for leave to appeal was held in abeyance pending DeRuiter; after DeRuiter decided, court vacates and remands for reconsideration.
PRECEDENTIAL VALUE	published
PARTIES	Charter Township of Ypsilanti v. Judith Pontius

TOPICS

- appellate procedure
- civil procedure

KEY QUOTATIONS

“By order of April 30, 2019, the application for leave to appeal the October 30, 2018 judgment of the Court of Appeals was held in abeyance pending the decision in *DeRuiter v Byron Twp* (Docket No. 158311). On

order of the Court, the case having been decided on April 27, 2020, ___ Mich ___ (2020), the application is again considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals and we REMAND this case to the Court of Appeals for reconsideration in light of DeRuiter.”

FACTUAL BACKGROUND

The underlying facts are not discussed in this order. The case involves a dispute between a township and a defendant, and the Court of Appeals had issued a judgment on October 30, 2018. The Supreme Court vacated and remanded for reconsideration in light of *DeRuiter v Byron Twp.*

PROCEDURAL HISTORY

The Court of Appeals entered judgment on October 30, 2018. The Michigan Supreme Court held the application for leave to appeal in abeyance pending *DeRuiter v Byron Twp.* After *DeRuiter* was decided, the court vacates the Court of Appeals judgment and remands for reconsideration.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Remanded to the Court of Appeals for reconsideration in light of *DeRuiter v Byron Twp.*

CASES CITED

- *DeRuiter v Byron Twp*, ___ Mich ___ (2020)

OPINION

PER CURIAM.

Order Michigan Supreme Court Lansing, Michigan September 29, 2020 Bridget M. McCormack, Chief Justice 158816 David F. Viviano, Chief Justice Pro Tem Stephen J. Markman Brian K. Zahra CHARTER TOWNSHIP OF YPSILANTI, Richard H. Bernstein Plaintiff-Appellant, Elizabeth T. Clement Megan K. Cavanagh, Justices v SC: 158816 COA: 340487 Washtenaw CC: 16-000800-CZ JUDITH PONTIUS, Defendant-Appellee. _____/
By order of April 30, 2019, the application for leave to appeal the October 30, 2018 judgment of the Court of Appeals was held in abeyance pending the decision in *DeRuiter v Byron Twp* (Docket No. 158311).

On order of the Court, the case having been decided on April 27, 2020, ___ Mich ___ (2020), the application is again considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals and we REMAND this case to the

Court of Appeals for reconsideration in light of DeRuiter. I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 29, 2020 p0921 Clerk

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