

SUPREME COURT OF MICHIGAN

In re Certified Question from the United States Court of Appeals for the Ninth Circuit (Veliz v. Cintas Corporation)

474 Mich. 1228 (Mich. 2006) · No. 130190 · Decided April 14, 2006

SUMMARY

The Michigan Supreme Court declined to answer a certified question from the United States Court of Appeals for the Ninth Circuit concerning Michigan's Minimum Wage Law. Separate opinions addressed the Court's constitutional authority to issue advisory opinions, compliance with Michigan's certification procedures, and the federalism and comity considerations supporting or opposing an answer.

CASE DETAILS

COURT	Supreme Court of Michigan
WRITING FOR THE COURT	Kelly; Markman; Young
JURISDICTION	Michigan
DECIDED	April 14, 2006
DOCKET	130190
DISPOSITION	other
PROCEDURAL POSTURE	The United States Court of Appeals for the Ninth Circuit certified a question concerning Michigan law to the Michigan Supreme Court. The Michigan Supreme Court considered the certified question and declined the request to answer it.
PRECEDENTIAL VALUE	Published Michigan Supreme Court opinion
PARTIES	Paul Veliz, et al., David A. Abney, et al. v. Cintas Corporation, et al.

TOPICS

- appellate procedure
- federalism
- comity
- civil procedure
- employment law

PRACTICE AREAS

- appellate procedure
- civil procedure
- constitutional law
- federalism
- employment law

QUESTIONS PRESENTED

1. Whether the Michigan Supreme Court should answer the question certified by the United States Court of Appeals for the Ninth Circuit concerning Michigan's Minimum Wage Law.

HOLDINGS

1. The Michigan Supreme Court declined the United States Court of Appeals for the Ninth Circuit's request to answer the certified question.

KEY QUOTATIONS

“On order of the Court, the question certified by the United States Court of Appeals for the Ninth Circuit is considered, and the Court respectfully declines the request to answer the certified question.” (711 N.W.2d at 752)

FACTUAL BACKGROUND

The underlying federal litigation involved Paul Veliz, David A. Abney, and other plaintiffs against Cintas Corporation and other defendants. The Ninth Circuit certified a question concerning the interpretation of Michigan's Minimum Wage Law to the Michigan Supreme Court. The Michigan Supreme Court declined to provide an answer.

PROCEDURAL HISTORY

The Ninth Circuit sought guidance from the Michigan Supreme Court concerning the Michigan Minimum Wage Law in litigation involving the plaintiffs and Cintas Corporation. The Michigan Supreme Court declined to answer the certified question. Justice Young concurred, and Justice Markman dissented; Justice Kelly would have answered the question.

DISPOSITION

other

CASES CITED

- In re Certified Questions (Melson v. Prime Ins. Syndicate, Inc.), 472 Mich. 1225, 696 N.W.2d 687 (2005)
- Diamond Club v. Insurance Co. of North America, 984 F.2d 746, 747-748 (6th Cir. 1993)