

MICHIGAN SUPREME COURT

Fred Paquin v. City of St Ignace

Fred Paquin v. City of St Ignace, 911 N.W.2d 458 (Mich. 2018) · No. SC: 156823 · Decided May 23, 2018

SUMMARY

The Michigan Supreme Court ordered oral argument on whether to grant leave to appeal in this case, directing the parties to brief whether a plaintiff’s holding elective office with and being employed by an Indian tribe constitutes “any elective office or position of employment in local, state, or federal government” under Const 1963, art 11, § 8. The case involves plaintiff Fred Paquin, defendant City of St. Ignace, and the Michigan Attorney General as intervening appellee. The key legal issue is the interpretation of the state constitutional provision regarding dual office-holding or employment restrictions as applied to tribal positions.

CASE DETAILS

COURT	Michigan Supreme Court
WRITING FOR THE COURT	Stephen J. Markman; Brian K. Zahra; Bridget M. McCormack; David F. Viviano; Richard H. Bernstein; Kurtis T. Wilder; Elizabeth T. Clement
JURISDICTION	Michigan
DECIDED	May 23, 2018
DOCKET	SC: 156823
PROCEDURAL POSTURE	Application for leave to appeal from Court of Appeals
PRECEDENTIAL VALUE	published
PARTIES	Fred Paquin v. City of St. Ignace and Attorney General (Intervening Appellee)

TOPICS

- constitutional law
- appellate procedure

QUESTIONS PRESENTED

- Whether the plaintiff's holding elective office with and being employed by an Indian tribe constitutes 'any elective office or position of employment in local, state, or federal government' under Const 1963, art 11, § 8.

KEY QUOTATIONS

“whether the plaintiff’s holding elective office with and being employed by an Indian tribe constitutes ‘any elective office or position of employment in local, state, or federal government’ under Const 1963, art 11, § 8.”

PROCEDURAL HISTORY

The plaintiff appealed from the Michigan Court of Appeals judgment. The Michigan Supreme Court ordered oral argument on whether to grant leave to appeal.

OPINION

PER CURIAM.

Order Michigan Supreme Court Lansing, Michigan May 23, 2018 Stephen J. Markman, Chief Justice 156823 Brian K. Zahra Bridget M. McCormack David F. Viviano Richard H. Bernstein Kurtis T. Wilder FRED PAQUIN, Elizabeth T. Clement, Plaintiff-Appellant, Justices v SC: 156823 COA: 334350 Mackinac CC: 2015-007789-CZ CITY OF ST. IGNACE, Defendant-Appellee, and ATTORNEY GENERAL, Intervening Appellee.

_____/ On order of the Court, the application for leave to appeal the October 19, 2017 judgment of the Court of Appeals is considered.

We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.305(H)(1). The appellant shall file a supplemental brief within 42 days of the date of this order addressing whether the plaintiff’s holding elective office with and being employed by an Indian tribe constitutes “any elective office or position of employment in local, state, or federal government” under Const 1963, art 11, § 8.

In addition to the brief, the appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1).

The appellees shall file supplemental briefs within 21 days of being served with the appellant’s brief. The appellees shall also electronically file appendices, or in the alternative, stipulate to the use of the appendix filed by the appellant. Replies, if any, must be filed by the appellant within 14 days of being served with the respective appellee’s brief.

The parties should not submit mere restatements of their application papers. 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. May 23, 2018 t0516 Clerk