

Governmental Litigation

Miller Canfield serves municipal entities that are facing litigation involving complex issues and challenges that pose political and fiscal implications.

We represent clients in lawsuits brought specifically by or against counties, cities, townships, school districts and municipal authorities in connection with an array of governmental law issues and use our experience to not only prevail in litigation, but also to help these entities avoid litigation whenever possible.

The firm's public finance and litigation practices are unparalleled. The sophistication of the lawyers in both practice areas makes the firm uniquely qualified to provide a highly nuanced understanding of the substantive governmental law issues at play and to implement well-informed strategies for managing high-profile, and potentially costly, litigation with long-term consequences.

These lawsuits brought specifically by or against counties, cities, towns, school districts, authorities, etc., often involve:

- Zoning and planning board challenges
- Claims filed under the Open Meetings Act or the Freedom of Information Act
- Disputes over intergovernmental agreements and relationships
- General tort claims, including fraud, misconduct and negligence
- Eminent domain proceedings
- Code enforcement actions
- Home rule and government powers disputes
- Taxpayer disputes and other tax proceedings
- Election law challenges
- Emergency Manager appointments and powers based on contract or statute
- Construction project disputes involving private developers and construction companies
- Municipal utility rate-setting

Representative Matters

Defended constitutional challenges to state and local government COVID-19 mandates

Defended a state Department of Insurance director in bankruptcy court adversary action filed by a holding company threatening to take a worthless stock deduction with respect to its ownership of Illinois insurance company placed into rehabilitation, successfully obtaining summary judgment

Represented a local unit of government litigating intergovernmental financial dispute with another public body in connection with misallocation and misuse of public funds over a 20-year period

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Successfully defended city clerk in litigation seeking to compel clerk to certify ballot question petition relating to adult-use marijuana establishments, obtaining order dismissing complaint on grounds that petition exceeded the initiatory power granted by statute and petition size requirements of Michigan Election Law

Defended members of the state judiciary in a federal lawsuit alleging constitutional violations

Defended a municipality and law enforcement officer against federal excessive force and wrongful death claims

Successfully defended a municipal entity against a class action lawsuit seeking approximately \$40 million in water and sewer fee refunds, obtaining summary judgment on all claims advanced by the plaintiff challenging the reasonableness and validity of the city's water and sewer fees and its water and sewer fund balances

Successfully defended a municipal entity against a writ of mandamus seeking to place an unlawful petition on the ballot

Successfully defended a municipality against a \$70 million class action lawsuit bringing claims that challenged the municipality's sewer rates under the Headlee Amendment to the Michigan Constitution and obtained summary judgment dismissing the claim and reaching a successful settlement of the lawsuit prior to rehearing/appeal for approximately \$2 million

Defended a city against purported class action claims seeking more than \$150 million in drainage charge refunds in connection with claims that the city's drainage charge is an unlawful tax under the Headlee Amendment

Successfully defended a county government against claims asserting more than \$20 million in refunds based on the alleged unlawful assessment of taxes without voter approval under the Headlee Amendment, prevailing both at the lower court and on appeal before the Michigan Supreme Court

Successfully defended city clerk in litigation seeking to compel clerk to certify ballot question petition, obtaining order dismissing complaint on grounds of insufficient signatures and failure to comply with petition size requirements of Michigan Election Law

Successfully defended county clerk in litigation seeking to enjoin election on ballot question opting municipality out of adult-use marijuana market and obtain order denying injunctive relief

Successfully defended the City of Detroit against a potential class action lawsuit that drew international attention regarding the city's program of shutting off water to non-paying customers

Successfully defended a county government from claims challenging the validity of its living wage ordinance by obtaining summary judgment before the trial court and prevailing on the decision before the Michigan Court of Appeals and Michigan Supreme Court

Successfully obtained dismissal of claims brought against a municipal entity for breach of a development agreement and obtained a favorable settlement of the municipality's counterclaims

Authored amicus briefs on behalf of municipal and governmental entity associations/organizations in matters pending before the Michigan Court of Appeals and Michigan Supreme Court in connection with issues of significance to municipal entities