

## MSC Order List: September 22, 2010

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[23. September 2010 By Madelaine Lane](#)

On Wednesday, September 22, 2010, the Michigan Supreme Court denied one application for leave to appeal.

The Court also vacated the Court of Appeals' September 2, 2010 order in [Michigan Afscme Council 25 v. County of Wayne, Case No. 141738](#). In that opinion, the Court of Appeals vacated the Wayne County Circuit Court's June 25, 2010 preliminary injunction. A copy of the Court of Appeals' opinion can be found [here](#). The Court of Appeals held that the trial court failed to address whether the availability of COBRA to county employees for a one-month period mitigates any irreparable harm and whether the financial burden of paying for one-month of COBRA is sufficient to warrant injunctive relief under *Pontiac Firefighters Union Local 376 v. City of Pontiac*, 482 Mich 1; 753 NW2d 595 (2008). The Court of Appeals' opinion further ordered the trial court to conduct an evidentiary hearing to determine how much union employees have to pay for COBRA coverage and how many union employees had the financial means to make this payment.

The Supreme Court remanded this case back to the Court of Appeals for reconsideration or clarification in light of the Wayne Circuit Court's September 9, 2010 order which was entered after the Court of Appeals' opinion. The Court further ordered the Court of Appeals to consider whether relief at this point is moot in view of the fact that the layoff periods have passed.