

MSC Motions for Rehearing: January 19, 2011

2. February 2011 By Matthew Nelson

On December 29, 2010 the Michigan Supreme Court issued five published opinions. On January 19, 2011 applications for rehearing were filed in three of those cases. In each case, the Court split 4-3 with Justices Corrigan, Markman, and Young in dissent. Justice Davis authored two of the decisions. Since then, the Justices Corrigan and Davis have been replaced by Justices Mary Beth Kelly and Zahra.

The Secretary of State filed an application for rehearing in *Michigan Education Association v Secretary of State*, where the Michigan Supreme Court held a public school may administer payroll deductions for employees to remit funds to the Michigan Education Association Political Action Committee (MEA-PAC) a segregated fund under MCL 169.255.

The Michigan Department of Natural Resources (“DNRE”) and Environment and Merit Energy Co. filed applications for rehearing in *Anglers of the AuSable, Inc. v. Department of Environmental Quality*. In *Anglers*, the Michigan Supreme Court held the DNRE could be sued under Michigan’s Environmental Protection Act for permitting decisions. The Court also held Merit Energy’s plan to pump treated water into the AuSable River watershed was unreasonable albeit without a rationale that garnered four votes.

The Department of Labor and Economic Growth filed an application for rehearing in *King v. Dept. of Labor and Economic Growth* where the Court held the Office of Financial and Insurance Services may not seek revocation of a resident insurance producer’s license where the licensee disclosed and received waiver for his prior felony conviction.