

STATE OF MICHIGAN  
IN THE 46<sup>th</sup> JUDICIAL CIRCUIT COURT FOR OTSEGO COUNTY

MOORE MURPHY HOSPITALITY,  
LLC D/B/A IRON PIG SMOKEHOUSE,

Petitioner-Appellant,

Case No.: 2021-18522-AE

HON. COLIN G. HUNTER

v

MICHIGAN DEPARTMENT OF  
HEALTH AND HUMAN SERVICES,

Respondent-Appellee.

---

**DEPARTMENT OF HEALTH AND HUMAN SERVICES' MOTION FOR  
IMMEDIATE CONSIDERATION OF MOTION FOR CLARIFICATION OR,  
IN THE ALTERNATIVE, TO STAY PENDING APPEAL**

Darrin Fowler (P53464)  
Andrea Moua (P83126)  
Assistant Attorneys General  
Attorneys for MDHHS  
Respondent-Appellee  
Corporate Oversight Division  
525 W. Ottawa St., P.O. Box 30736  
Lansing, MI 48909  
(517) 335-7632  
[FowlerD1@michigan.gov](mailto:FowlerD1@michigan.gov)  
[MouaA@michigan.gov](mailto:MouaA@michigan.gov)

Dated: January 20, 2022

The Michigan Department of Health and Human Services, through its counsel, requests immediate consideration of its motion for clarification or, in the alternative, to stay pending appeal. This motion is brought pursuant to MCR 2.119. This immediate relief is needed because media stories and Iron Pig's communications about this Court's opinion and order in this matter are already creating confusion about the legal effect of this Court's decision. The Department has ongoing epidemic orders that exist to preserve Michigan's public health system and protect our most vulnerable residents. Continued confusion will unduly undermine the efficacy of these orders while they are still legally valid.

The Department intends to apply for leave to appeal this Court's decision. In the meantime, the requested immediate clarification or stay will make clear to the public that the epidemic response statute, MCL 333.2253, remains valid while this matter pends on appeal.

The Department waives oral argument on this motion, and the related motion for clarification or stay. Alternatively, counsel for the Department will make themselves available at the time of convenience to this Court.

Respectfully submitted,



---

Darrin Fowler (P53464)  
Andrea Moua (P83126)  
Assistant Attorneys General  
Attorneys for MDHHS  
Respondent–Appellee  
Corporate Oversight Division

525 W. Ottawa St., P.O. Box 30736  
Lansing, MI 48909  
(517) 335-7632  
[Fowlerd1@michigan.gov](mailto:Fowlerd1@michigan.gov)  
[MouaA@michigan.gov](mailto:MouaA@michigan.gov)

Dated: January 20, 2022