

STATE OF MICHIGAN
IN THE 46th 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**

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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,



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