

Order

Michigan Supreme Court
Lansing, Michigan

September 9, 2020

Bridget M. McCormack,
Chief Justice

161492

David F. Viviano,
Chief Justice Pro Tem

In re CERTIFIED QUESTION FROM THE
UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF MICHIGAN,
SOUTHERN DIVISION

SC: 161492

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

MIDWEST INSTITUTE OF HEALTH, PLLC,
d/b/a GRAND HEALTH PARTNERS,
WELLSTON MEDICAL CENTER, PLLC,
PRIMARY HEALTH SERVICES, PC, and
JEFFERY GULICK,
Plaintiffs,

v

GOVERNOR OF MICHIGAN, MICHIGAN
ATTORNEY GENERAL, and MICHIGAN
DEPARTMENT OF HEALTH AND HUMAN
SERVICES DIRECTOR,
Defendants.

On September 9, 2020, the Court heard oral argument on the questions certified by the United States District Court for the Western District of Michigan. On order of the Court, the questions are again considered. We DIRECT the parties to file supplemental briefs by 5:00 p.m. on Wednesday, September 16, 2020, addressing: (1) whether the Emergency Powers of the Governor Act (EPGA), MCL 10.31 *et seq.*, applies in the context of public health generally or to an epidemic such as COVID-19 in particular; and (2) whether “public safety,” as that term is used in the EPGA, is a term of ordinary meaning or has developed a specialized legal meaning as an object of the state’s police power, and whether “public safety” encompasses “public health” events such as epidemics. Amici are invited to file supplemental briefs on these issues by the same deadline.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 9, 2020

Clerk