

# Order

Michigan Supreme Court  
Lansing, Michigan

December 11, 2020

Bridget M. McCormack,  
Chief Justice

158852

David F. Viviano,  
Chief Justice Pro Tem

DETROIT ALLIANCE AGAINST THE RAIN  
TAX, DETROIT IRON & METAL COMPANY,  
AMERICAN IRON & METAL COMPANY,  
McNICHOLS SCRAP IRON & METAL  
COMPANY, MONIER KHALIL LIVING TRUST,  
and BAGLEY PROPERTIES, LLC,  
Plaintiffs-Appellants,

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

v

SC: 158852  
COA: 339176

CITY OF DETROIT, DETROIT WATER AND  
SEWERAGE DEPARTMENT and DETROIT  
BOARD OF WATER COMMISSIONERS,  
Defendants-Appellees.

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On October 7, 2020, the Court heard oral argument on the application for leave to appeal the November 6, 2018 judgment of the Court of Appeals. On order of the Court, the application is again considered. MCR 7.305(H)(1). In lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals and REMAND this case to that court, which shall hold this case in abeyance pending its decision in *Binns v City of Detroit* (Court of Appeals Docket No. 337609). After *Binns* is decided, the Court of Appeals shall reconsider this case in light of *Binns*.

We do not retain jurisdiction.



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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.

December 11, 2020

Clerk