



MICHIGAN COURTS NEWS RELEASE

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FOR IMMEDIATE RELEASE

Michigan Supreme Court Announces September 2, 2020 Oral Arguments Special Session

Virtual Arguments to be livestreamed on Court's YouTube channel

LANSING, MI, August 11, 2020 —The Michigan Supreme Court announced that oral arguments in the case of *In re* Certified Questions from the United States District Court, Western District of Michigan, Southern District v Governor of Michigan, Michigan Attorney General, and Michigan Department of Health and Human Services Director, will be heard on September 2, 2020. The Court will convene this special session to hear the case beginning at 9:30 a.m. via Zoom and attorneys for the parties have all agreed to argue their cases via Zoom.

Oral arguments will be livestreamed at: <http://www.youtube.com/c/MichiganSupremeCourt>

The schedule of arguments is posted on the Supreme Court's oral arguments [homepage](#). Archived video of oral argument will also be posted on YouTube.

These brief accounts may not reflect the way that some or all of the Court's seven justices view the cases. The attorneys may also disagree about the facts, issues, procedural history, and significance of these cases. For further details about the cases, please contact the attorneys.

**Wednesday, September 2, 2020
9:30 a.m.**

[161492](#)

In re Certified Questions from the United States District Court, Western District of Michigan, Southern Division.

Midwest Institute of Health, PLLC, doing
business as Grand Health Partners, Wellston
Medical Center, PLLC, Primary Health
Services, PC, and Jeffery Gulick,
Plaintiffs,

James Peterson

v

Governor of Michigan, Michigan Attorney
General, and Michigan Department of Health

Eric Restuccia

and Human Services Director,
Defendants.

The plaintiffs are healthcare providers and a patient who filed a lawsuit in the United States District Court, Western District of Michigan, Southern Division, to challenge executive orders issued by Governor Gretchen Whitmer in response to the COVID-19 pandemic. On June 16, 2020, United States District Judge Paul L. Maloney certified two questions to the Michigan Supreme Court: “(1) Whether, under the Emergency Powers of the Governor Act, MCL § 10.31, *et seq.*, or the Emergency Management Act, MCL § 30.401, *et seq.*, Governor Whitmer has the authority after April 30, 2020, to issue or renew any executive orders related to the COVID-19 pandemic; and (2) Whether the Emergency Powers of the Governor Act and/or the Emergency Management Act violates the Separation of Powers and/or the Non-Delegation Clauses of the Michigan Constitution.” On June 30, 2020, the Michigan Supreme Court directed the Clerk to schedule oral argument on the questions on Wednesday, September 2, 2020, and ordered an expedited briefing schedule.

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