

STATE OF MICHIGAN
COURT OF APPEALS

AMERICAN FEDERATION OF STATE,
COUNTY, AND MUNICIPAL EMPLOYEES,
COUNCIL 25, ALBERT GARRETT and ANNIE
KUYKENDAL,

Plaintiffs-Appellants,

v

DETROIT CITY COUNCIL and MAYOR OF
THE CITY OF DETROIT,

Defendants-Appellees.

UNPUBLISHED
March 18, 2004

No. 242101
Wayne Circuit Court
LC No. 02-206708-CL

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES,
COUNCIL 25 and ALBERT GARRETT,

Plaintiffs-Appellants,

v

CITY OF DETROIT,

Defendant-Appellee.

LC No. 02-206709-CL

Before: Smolenski, P.J., and Saad and Kelly, JJ.

PER CURIAM.

Plaintiffs appeal as of right from a final judgment denying their writ of mandamus claim. We affirm.

On appeal, plaintiffs argue that the trial court committed reversible error in denying their request for a writ of mandamus. We review a lower court's grant or denial of a writ of mandamus for an abuse of discretion. *White-Bey v Dep't of Corrections*, 239 Mich App 221, 223; 608 NW2d 833 (1999).

The primary purpose of a writ of mandamus is to enforce duties created by law. *State Bd of Ed v Houghton Lake Community Schools*, 430 Mich 658, 667; 425 NW2d 80 (1988). A writ of mandamus is an extraordinary remedy to which plaintiffs have the burden of showing entitlement. *White-Bey, supra* at 223. In order to obtain a writ of mandamus, a plaintiff must show that: 1) the plaintiff has clear legal right to the performance of the duty sought compelled; 2) the defendant has a clear legal duty to perform; 3) the act is ministerial in nature; and 4) the plaintiff has no other legal or equitable remedy. *Id.* at 223-224.

In this case, we find that plaintiffs have failed to show that no other legal or equitable remedy existed. AFSCME clearly had remedies at law through the grievance-arbitration procedure under its collective bargaining agreement. Additionally, if the City of Detroit violates provisions of the labor agreement regarding contractual work, AFSCME could seek remedies under the Public Employees Relations Act, MCL 423.201 *et seq.*, by filing an unfair labor practice charge with the Michigan Employment Relations Commission.

Moreover, we note that plaintiffs even requested monetary damages in their complaint alleged to have resulted from defendants' violations of the city charter. And plaintiffs state that these damages would include contractual damages such as back-pay and back-benefits for AFSCME represented employees. A writ of mandamus is inappropriate if other remedies exist. *Radecki v Director of Worker's Disability Compensation*, 208 Mich App 19, 22; 526 NW2d 611 (1994). Given that plaintiffs have other remedies available, the trial court properly denied the writ of mandamus.¹

Affirmed.

/s/ Michael R. Smolenski
/s/ Henry William Saad
/s/ Kirsten Frank Kelly

¹ We recognize that the trial court denied the writ on different grounds. We will not disturb a lower court's ruling if it reached the correct result, even if for a different reason. *Howe v Detroit Free Press, Inc.*, 219 Mich App 150, 158; 555 NW2d 738 (1996).