UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

TUSCOLA WIND III, LLC,

Plaintiff, Case No. 17-cv-10497

v Honorable Thomas L. Ludington

ALMER CHARTER TOWNSHIP, et al,

Defendant.
_____/

ORDER DISMISSING SHOW CAUSE AND AMENDING SCHEDULING ORDER

On February 15, 2017, Plaintiff Tuscola Wind III, LLC, filed a complaint naming the Almer Charter Township and that Township's Board of Trustees as Defendants. ECF No. 1. Count One of the Complaint is "Claim of Appeal." Compl. at ¶¶ 100–124. Plaintiff alleges that "Michigan Constitution art. VI, § 28 authorizes courts to review all final decisions of an administrative body that are quasi-judicial in nature and affect private rights." *Id.* at ¶ 102. On April 13, 2017, the Court directed Plaintiff to show cause "why this Court has authority to adjudicate Count One." ECF No. 19. In response, Plaintiff directed the Court's attention towards *City of Chicago v. Int'l Coll. Surgeons*, 521 U.S. 156 (1997). In *City of Chicago*, the Supreme Court held that supplemental jurisdiction could be exercised for state claims, even if the state claims called for deferential on-the-record review of administrative findings.[1] Although district courts may decline to exercise supplemental jurisdiction in some circumstances, *see* 28 U.S.C. § 1367(c), there are no compelling reasons for declining jurisdiction here. Because Plaintiff has demonstrated that a basis for federal jurisdiction over Count One exists, the order to show cause will be dismissed.

[1] In so holding, the Supreme Court overruled the Seventh Circuit's finding that allowing jurisdiction in such a scenario was "inconsistent with the character of a court of original jurisdiction. 91 F.3d at 990.

Because Count One will be reviewed under a different standard of review and via different procedures than the other counts, the scheduling order will be amended to accommodate the different procedural posture of Count One.

Accordingly, it is **ORDERED** that the Order to Show Cause, ECF No. 19, is **DISMISSED.**

It is further **ORDERED** that the Scheduling Order, ECF No. 18, is **AMENDED as to Count One of the Complaint as follows:**

Motions regarding Content of the Record:	**June 5, 2017**
Appellant's Brief:	**July 3, 2017**
Appellee's Brief:	**July 24, 2017**
Appellant's Reply Brief:	**August 7, 2017**
Oral Argument:	**August 29, 2017 at 2:00 p.m.**

Dated: May 3, 2017

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 3, 2017.

s/Michael A. Sian
MICHAEL A. SIAN, Case Manager