

STATE OF MICHIGAN  
COURT OF APPEALS

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JOSEPH LASH,

Plaintiff-Appellant,

v

CITY OF TRAVERSE CITY,

Defendant-Appellee.

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FOR PUBLICATION

June 1, 2006

9:00 a.m.

No. 263873

Grand Traverse Circuit Court

LC No. 04-024067-CL

Official Reported Version

Before: Zahra, P.J., and Murphy and Neff, JJ.

MURPHY, J. (*concurring in part*).

I concur with Judge Neff's opinion that MCL 15.602 permits a private cause of action, but disagree that the act's exception for a 20-mile or greater distance requirement under certain circumstances is measured in "road miles." Rather, I concur with Judge Zahra's view that MCL 15.601 *et seq.*, when read in its entirety using accepted statutory construction guidelines, requires that the 20-mile distance referred to in MCL 15.602 be measured in a straight line. Thus, assuming that plaintiff can satisfy the distance standard, I would permit plaintiff to proceed with proofs about what damages, if any, were suffered under the defendant's residency requirement.

/s/ William B. Murphy