

STATE OF MICHIGAN
IN THE 30TH (INGHAM COUNTY) CIRCUIT COURT

EDWARD ALLEN, OLIVER HARDY, and
MICHAEL WATKINS, on behalf of themselves
and all others similarly situated,

Plaintiffs,

File No. 12-907-CZ

v.

Hon. Joyce A. Draganchuk

DANIEL HEYNS, Director of the Michigan Department of Corrections, THOMAS COMBS, Chair of the Michigan Parole Board, and RICHARD SNYDER, Governor of Michigan, in their official capacities,

Defendants.

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ORDER GRANTING
PLAINTIFFS' MOTION FOR SUMMARY DISPOSITION
and
DENYING DEFENDANTS' MOTION FOR SUMMARY DISPOSITION

At a session of the Court, held in Lansing,
Michigan, this ___ day of September, 2013

Present: Hon. Joyce A. Draganchuk

The parties having filed cross motions for summary disposition after discovery, and the Court having heard the motions,

IT IS ORDERED that the plaintiffs' motion for summary disposition is granted, and the

defendants' motion is denied, for the reasons stated on the record at the hearing on the motions held on Wednesday, August 28, 2013.

The Court finds that the defendants' interpretation of MCL 791.234(3) is mistaken and that the Legislature intended that parolable lifers with consecutive sentences remain eligible for parole the same as term-of-years prisoners: that is, upon reaching the combined minimum terms of any consecutive sentences, using the 10-year or 15-year parole-eligibility date as the equivalent of the minimum on any parolable life sentence.

The Court finds the plaintiffs' constitutional claims (ex post facto, separation of powers, and due process) persuasive but chooses not to reach those claims in light of its decision regarding how the applicable state law should be interpreted.

This order grants declaratory relief; the plaintiffs shall submit a proposed remedial order within ten days of the entry of this order, setting forth proposed class-wide injunctive relief. The defendants shall have ten days to object to that order or to submit their own proposed order.

This order resolves the issue of liability and is a final order as to the plaintiffs' entitlement to a remedy. This order does not resolve the remedy to which the plaintiffs are entitled and therefore is not a final order under MCR 2.602.

SO ORDERED.

Hon. Joyce A. Draganchuk
30th Circuit Court Judge

Dated: September __, 2013

Drafted by:

Approved as to form by:

Paul D. Reingold (P27594)
Attorney for Plaintiffs

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