



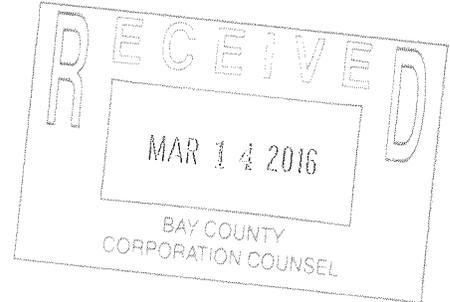
BOMMARITO LAW OFFICES, PLLC

180 E Washington Rd | PO Box 189 | Freeland, MI 48623

March 10, 2016

1328

Clerk of the Court
Bay County Circuit Court
1230 Washington Ave.
Bay City, Michigan 48708



Re: Cynthia A. Luczak v Thomas L. Hickner, et al
Case No.: 15-3583-AW (KS)

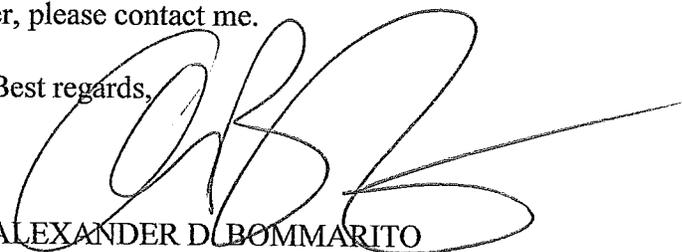
Dear Sir/Madam:

Enclosed herewith please find the following which I would appreciate being filed on behalf of Defendants in regards to the above-mentioned matter:

1. Notice of Hearing (Friday, April 1, 2016 at 10:00 a.m.).
2. Motion to Strike Plaintiff's Motion for Reconsideration.
3. Motion Fee - \$20.00.
- * Proof of Service box affixed thereto.

If you have any questions regarding this matter, please contact me.

Best regards,


ALEXANDER D. BOMMARITO

e-mail: adb@freelandlaw.net

ADB/lb

Enclosures

cc: The Honorable Paul H. Chamberlain
Circuit Court Judge
Matthew T. Smith
Joseph W. Colaianne
Attorneys at Law
Defendants

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF BAY

CYNTHIA A. LUCZAK, BAY COUNTY
CLERK in her capacity as an elected official,

Case No. 15-3583-AW (KS)

Plaintiff,

HON. PAUL H. CHAMBERLAIN
(P31682)

-vs-

THOMAS L. HICKNER, Bay County
Executive, in his capacity as an elected
official; BAY COUNTY BOARD OF
COMMISSIONERS, the governing body
for the County of Bay; 18th JUDICIAL
CIRCUIT COURT; and KIM MEAD,
Bay County Circuit Court Administrator,

Defendants.

CLARK HILL, PLC

BY: MATTHEW T. SMITH (P46754)
JOSEPH W. COLAIANNE (P47404)

Attorneys for Plaintiff
212 E. Grand River Ave.
Lansing, Michigan 48906
Telephone: 517-318-3100

BOMMARITO LAW OFFICES, PLLC
BY: ALEXANDER D. BOMMARITO (P62704)
Attorney for Defendants
180 E. Washington Road
P.O. Box 189
Freeland, Michigan 48623
Telephone: 989-573-5300

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT THE FOREGOING
INSTRUMENT WAS SERVED UPON ALL PARTIES TO THE
ABOVE CAUSE TO EACH OF THE ATTORNEYS OF RECORD
HEREIN AT THEIR RESPECTIVE ADDRESSES DISCLOSED ON
THE PLEADINGS ON 3-10-16

BY:
 U.S. MAIL FAX _____
 HAND DELIVERED OVERNIGHT COURIER _____
 FEDERAL EXPRESS OTHER _____

SIGNATURE: Per Sebastian

NOTICE OF HEARING

TO: CLERK OF THE COURT
Bay County
Bay County Courthouse
Bay City, Michigan 48708

-and-

JOSEPH W. COLAIANNE
Attorney at Law
212 E. Grand River Ave.
Lansing, Michigan 48906

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF BAY

CYNTHIA A. LUCZAK, BAY COUNTY
CLERK in her capacity as an elected official,

Plaintiff,

Case No. 15-3583-AW (KS)

HON. PAUL H. CHAMBERLAIN
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-VS-

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Executive, in his capacity as an elected
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BY:
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 FEDERAL EXPRESS OTHER

SIGNATURE: Alex Schreiber

MOTION TO STRIKE PLAINTIFF'S MOTION FOR RECONSIDERATION

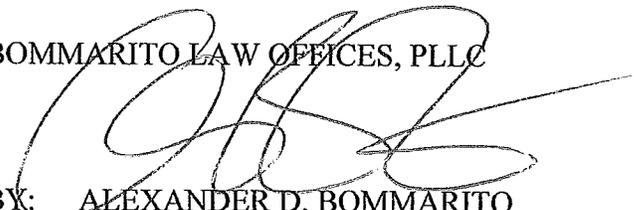
NOW COME Defendants, by and through their attorney, ALEXANDER D. BOMMARITO of BOMMARITO LAW OFFICES, PLLC, and hereby files this Motion to Strike Plaintiff's Motion for Reconsideration, stating as follows:

1. On February 5, 2016, this Court entered its Order Granting Partial Summary Disposition, dismissing Counts I, III and IV of Plaintiff's Amended Complaint.
2. That on February 26, 2016, Plaintiff filed her Motion for Reconsideration of that Order, said Motion and Brief being received by undersigned counsel on March 5, 2016.
3. That Plaintiff's Motion for Reconsideration is contrary to MCR 2.119(F) as it presents information, issues and arguments that were not previously before the Court in either of the parties Motions for Summary Disposition, which the Court ruled on within its February 5, 2016 Order.
4. That although the Court indicated in its February 5, 2016 Opinion that it would consider arguments regarding the constitutionality of the Uniform Budgeting and Accounting Act, MCL 141.438, a Motion for Reconsideration is not the proper means for considering that information.
5. That additionally, Plaintiff's Motion for Reconsideration merely presents the same issues ruled on by the Court.

WHEREFORE, based upon the foregoing, and MCR 2.115(B), Defendants request the Court grant its Motion to Strike Plaintiff's Motion for Reconsideration as it is not in conformity with MCR 2.119(F).

Dated this 10th day of March, 2016.

BOMMARITO LAW OFFICES, PLLC


BY: ALEXANDER D. BOMMARITO
Attorney for Defendants

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180 E. Washington Road
P.O. Box 189
Freeland, Michigan 48623
Telephone: 989-573-5300