

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF GRAND TRAVERSE

NORTHPOINT FARMS, L.L.C., a Michigan
liability company,

Plaintiff,

vs.

Case No. 2021-35830-AW
Hon. Kevin A. Elsenheimer

WHITEWATER TOWNSHIP,

Defendants.

_____ /

MICHAEL J. CORCORAN (P-41254)
JAMES R. AUSTIN (P-43400)
Corcoran Austin, P.C.
Attorney for Plaintiff
201 State Street, Suite 10
Charlevoix, MI 49720
231-437-3199

_____ /

TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE

At a session of said Court, held in the City
of Traverse City, County of Grand Traverse and State of Michigan,
on _____, 2021.

PRESENT: Hon. Kevin A. Elsenheimer
Circuit Court Judge

The Court has considered _____
the filings in this matter and having heard oral argument of the parties, the Court
determined the following:

1. Plaintiff has a likelihood of success on the merits of its claim.
2. Plaintiff will suffer irreparable harm and loss if Defendants are permitted to:
 - a. ~~Continue delaying enacting any zoning amendments necessary to allow the operation of the Marihuana Establishments authorized by Whitewater Township Ordinances 59 and 60;~~

- ~~b. Continue refusing to accept and process permits authorized by Whitewater Township Ordinances 59 and 60.~~
 - ~~c. Continuing to refuse to award permits authorized by Whitewater Township Ordinances 59 and 60.~~
 - d. Hold an election on whether marihuana establishments should be prohibited in Whitewater Township at an election which is not a “regular” election.
3. Plaintiff has no adequate remedy at law.
 4. Plaintiff will suffer greater injury from the denial of temporary injunctive relief than Defendants will suffer from the granting of such relief.
 5. ~~Notice to Defendant on this matter would involve time delays which would further exacerbate the irreparable harm being suffered by Plaintiff as a result of Defendants’ actions and would precipitate further improper and harmful activity by Defendants.~~

IT IS ORDERED:

1. ~~An Injunction~~
~~A temporary restraining order~~ is issued immediately.
2. ~~Defendants are hereby compelled to:~~
 - ~~a. Enact any zoning amendments necessary to allow the operation of the Marihuana Establishments authorized by Whitewater Township Ordinances 59 and 60 within 30 days of the date of this Order;~~
 - ~~b. Accept and process permits authorized by Whitewater Township Ordinances 59 and 60; and~~
 - ~~c. Begin awarding permits authorized by Whitewater Township Ordinances 59 and 60 within 30 days following passage of the contemplated zoning amendments.~~
3. Defendants are enjoined and restrained, whether alone or in concert with others, including any officer, agent, representative and/or employee of Defendants, until the hearing for preliminary injunction or until further order of this Court, from holding an election on whether marihuana

establishments should be prohibited in Whitewater Township at an election

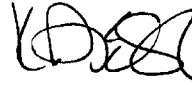
which is not a "regular" election. ^{The Township will place the subject initiative question on the ballot} ~~election~~ of the next regular election.

4. This Order shall remain in full force and effect until this Court specifically orders otherwise.

~~5. Defendant shall show cause before this Court on _____ at _____ am/pm why a preliminary injunction should not be ordered according to the terms and conditions of the temporary restraining order.~~

~~6. Plaintiff must serve a copy of the pleadings in this case and this Order on Defendants by _____.~~

~~7. This Order is issued on _____ at _____ am/pm.~~



08/02/2021
04:20PM

KEVIN A. ELSENHEIMER, CIRCUIT COURT JUDGE, P49293

Circuit Court Judge
Kevin A. Elsenheimer

