

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

ANDREW BELANGER, JUSTIN PHILLIPS,
and CALVIN ZASTROW,
Plaintiffs,

v.

GRETCHEN WHITMER, in her official
capacity as Governor for the State of Michigan,
and CITY OF DETROIT,
Defendants.

No. _____

COMPLAINT

Plaintiffs Andrew Belanger, Justin Phillips, and Calvin Zastrow (collectively referred to as “Plaintiffs”), by and through undersigned counsel, bring this Complaint against the above-named Defendants, their employees, agents, and successors in office, and in support thereof allege the following upon information and belief:

INTRODUCTION

1. This case seeks to protect and vindicate fundamental constitutional rights. It is a civil rights action brought under the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983, challenging Defendant Whitmer’s Executive Order No. 2020-21 as applied to criminalize Plaintiffs’ peaceful First Amendment activity on the public sidewalks outside of abortion centers throughout Michigan.

2. Plaintiffs seek a declaration that the enforcement of Executive Order 2020-21 to prohibit their peaceful First Amendment activity on the public sidewalks outside of abortion centers throughout Michigan violates the First and Fourteenth Amendments as set forth in this Complaint; a temporary and permanent injunction enjoining the challenged enforcement of Executive Order 2020-21 as set forth in this Complaint; an award of nominal damages against the City of Detroit for the past loss of Plaintiff Belanger’s constitutional rights as set forth in this

Complaint; and an award of attorney fees and costs pursuant to 42 U.S.C. § 1988, and other applicable laws.

JURISDICTION AND VENUE

3. This action arises under the Constitution and laws of the United States. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331 and 1343.

4. Plaintiffs' claims for declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201 and 2202, by Rules 57 and 65 of the Federal Rules of Civil Procedure, by *Ex parte Young*, 209 U.S. 123 (1908), and by the general legal and equitable powers of this Court.

5. Plaintiff Belanger's claim for nominal damages against Defendant City of Detroit is authorized by 42 U.S.C. § 1983.

6. Plaintiffs' claim for an award of their reasonable costs of litigation, including attorneys' fees and expenses, is authorized by 42 U.S.C. § 1988 and other applicable law.

7. Venue is proper under 28 U.S.C. § 1391(b) because the Office of the Governor of Michigan is located in this judicial district and a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in this district.

PARTIES

8. Plaintiffs Belanger, Phillips, and Zastrow are adult citizens of the United States and residents of Michigan.

9. Plaintiffs are Christians, and they oppose abortion based on their sincerely held religious belief that abortion is an intrinsic evil. Plaintiffs engage in expressive religious activity on the public sidewalks and other public fora outside of facilities where abortions are committed as part of their religious exercise.

10. As part of their expressive religious activity, Plaintiffs protest abortion by engaging in prayer, preaching, worship, and holding pro-life signs on the public sidewalks and other public fora adjacent to abortion centers throughout Michigan.

11. Plaintiffs engage in their expressive religious activity because it is necessary to sustain or protect life.

12. Defendant Gretchen Whitmer is the Governor of the State of Michigan.

13. Pursuant to her authority as Governor, Defendant Whitmer issued Executive Order 2020-21.

14. Defendant Whitmer is sued in her official capacity only.

15. Defendant City of Detroit (hereinafter “City”) is a municipal entity organized and existing under the laws of the State of Michigan. It is a municipal corporation with the right to sue and be sued.

16. The City and its officials, including its police officers, are responsible for enforcing local and state laws, including Executive Order 2020-21.

STATEMENT OF FACTS

17. On March 24, 2020, Defendant Whitmer issued Executive Order 2020-21, which is described as a “[t]emporary requirement to suspend activities that are not necessary to sustain or protect life.” A true and correct copy of this order is attached to this Complaint as Exhibit 1 and is found at https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-522626--,00.html.

18. By its own terms, Executive Order 2020-21 will remain in effect until April 13, 2020 at 11:59 pm.

19. A “willful violation” of Executive Order 2020-21 is a misdemeanor.

20. Executive Order 2020-21, states, in relevant part, the following:

2. Subject to the exceptions in section 7, all individuals currently living within the State of Michigan are ordered to stay at home or at their place of residence. Subject to the same exceptions, all public and private gatherings of any number of people occurring among persons not part of a single household are prohibited.

3. All individuals who leave their home or place of residence must adhere to social distancing measures recommended by the Centers for Disease Control and Prevention, including remaining at least six feet from people from outside the individual's household to the extent feasible under the circumstances.

* * *

7. Exceptions.

a. Individuals may leave their home or place of residence, and travel as necessary:

1. To engage in outdoor activity, including walking, hiking, running, cycling, or any other recreational activity consistent with remaining at least six feet from people from outside the individual's household.

* * *

8. To care for minors, dependents, the elderly, persons with disabilities, or other vulnerable persons.

(Executive Order 2020-21 at Ex. 1).

21. Due to the outbreak of COVID-19, Plaintiffs are implementing the social distancing measures recommended by the Centers for Disease Control and Prevention, specifically including remaining at least six feet from people on the public sidewalks when engaging in their expressive religious activities.

22. Following the issuance of Executive Order 2020-21, Defendant Whitmer has refused to order abortion centers in Michigan to close even though abortion is an elective procedure, it is never necessary to protect the life of a mother, and it results in the death of an

unborn child, which is contrary to the stated goal of Executive Order 2020-21 “to sustain or protect life.”

23. In fact, abortion kills more human lives each year in the United States alone than COVID-19 will kill in the entire world during the course of this current pandemic.

24. Because abortion centers remain open in Michigan during this current pandemic, Plaintiffs are compelled by their consciences to engage in their expressive religious activities on the public sidewalks outside of abortion centers located throughout the State.

25. On March 31, 2020, Plaintiff Belanger was engaging in expressive religious activity on the public sidewalk outside of the Scotsdale Women’s Center, which is an abortion center located in the City. Plaintiff was preaching, holding a pro-life sign, and practicing social distancing.

26. While Plaintiff Belanger was engaging in his peaceful expressive activity, eight (8) City police vehicles and fifteen (15) City police officers arrived. Plaintiff was the only pro-lifer engaging in expressive activity at the time of their arrival.

27. While the police were present, Plaintiff Phillips and one other pro-lifer arrived at the public sidewalk outside of the abortion center. During a conversation with the police officers, the officer speaking to the pro-lifers (which included Plaintiffs Belanger and Phillips) stated, “We’re here for a violation of a stay at home order by the Governor.” The officers told the pro-lifers that while abortion was “essential” under the Governor’s order and thus permitted, the pro-lifers’ First Amendment activity was not “essential” and thus unlawful. The conversation was recorded.

28. Because Plaintiff Belanger was engaging in his expressive religious activity on the public sidewalk outside of the abortion center, the officers issued him a “State of Michigan

Uniform Law Citation” for allegedly violating Executive Order 2020-21. A true and correct copy of the citation is attached to this Complaint as Exhibit 2.

29. The law violation described in the citation is “emergency powers of governor.” The offense was described as “Subject refusing to leave, protesting outside while shutdown is in effect.” (*See* Exhibit 2).

30. Plaintiffs Belanger and Phillips are close friends, and they are pro-life companions with Plaintiff Zastrow. Shortly after the police departed, Plaintiff Belanger spoke with Plaintiff Zastrow via a phone call (many pro-lifers are in constant contact with each other to share information and to provide assistance and protection for each other while they are out protesting), warning him that police officers are issuing criminal citations under Executive Order 2020-21 for engaging in peaceful, free speech activity on the public sidewalks outside of abortion centers. Plaintiff Belanger warned many other pro-lifers, and Plaintiff Zastrow echoed the warning as well.

31. Issuing citations under Executive Order 2020-21 for exercising rights protected by the First Amendment punishes and thus chills the exercise of those rights, causing irreparable harm to Plaintiffs and other pro-lifers throughout the State of Michigan.

32. Absent a court order prohibiting the enforcement of Executive Order 2020-21 against Plaintiffs and other pro-lifers engaging in peaceful, free speech activity on public sidewalks and other public areas adjacent to abortion centers in Michigan, irreparable harm to Plaintiffs’ First Amendment rights will continue.

FIRST CLAIM FOR RELIEF

(Freedom of Speech—First Amendment)

33. Plaintiffs hereby incorporate by reference all stated paragraphs.

34. By reason of the aforementioned acts, policies, practices, procedures, and/or customs, created, adopted, and enforced under color of state law, Defendants have deprived Plaintiffs of their right to freedom of speech in violation of the Free Speech Clause of the First Amendment as applied to the states and their political subdivisions under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

35. Defendants' actions, as set forth in this Complaint, injured Plaintiffs in a way likely to chill a person of ordinary firmness from further participation in expressive religious activity. Plaintiffs' constitutionally protected activity motivated Defendants' adverse actions. Thus, Defendants acted with a retaliatory intent or motive.

36. Defendants' enforcement of Executive Order 2020-21 to restrict the expressive religious activity of Plaintiffs on the public sidewalks and other public areas adjacent to abortion centers located within Michigan, including within the City, as set forth in this Complaint, violates the Free Speech Clause of the First Amendment.

37. Executive Order 2020-21 as applied to Plaintiffs' expressive religious activity as set forth in this Complaint violates the First Amendment.

38. As a direct and proximate result of Defendants' violation of the Free Speech Clause of the First Amendment as set forth in this Complaint, Plaintiffs have suffered irreparable harm, including the loss of their fundamental constitutional rights, entitling them to declaratory and injunctive relief against all Defendants and entitling Plaintiff Belanger to nominal damages against the City.

SECOND CLAIM FOR RELIEF

(Free Exercise of Religion—First Amendment)

39. Plaintiffs hereby incorporate by reference all stated paragraphs.

40. By reason of the aforementioned acts, policies, practices, procedures, and/or customs, created, adopted, and enforced under color of state law, Defendants have deprived Plaintiffs of their right to religious exercise in violation of the Free Exercise Clause of the First Amendment as applied to the states and their political subdivisions under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

41. Plaintiffs' expressive religious activity as set forth in this Complaint is protected by both the Free Speech and Free Exercise Clauses of the First Amendment.

42. As set forth in this Complaint, Defendants' adverse actions against Plaintiffs and other pro-life demonstrators were designed to intimidate and oppress Plaintiffs' pro-life religious expression in violation of the Free Exercise Clause of the First Amendment.

43. Defendants' enforcement of Executive Order 2020-21 to restrict the expressive religious activity of Plaintiffs on the public sidewalks and other public areas adjacent to abortion centers located within Michigan, including within the City, as set forth in this Complaint, violates the Free Exercise Clause of the First Amendment.

44. As set forth in the Complaint, Executive Order 2020-21 provides exceptions for individuals who walk, hike, run, or cycle on public sidewalks throughout the State of Michigan, but the order punishes Plaintiffs for using the very same public sidewalks for exercising their constitutional rights. By granting exceptions for non-religious conduct but punishing similar religiously-motivated conduct, Executive Order 2020-21 violates Plaintiffs' rights protected by the Free Exercise Clause of the First Amendment.

45. As a direct and proximate result of Defendants' violation of the Free Exercise Clause of the First Amendment as set forth in this Complaint, Plaintiffs have suffered irreparable harm, including the loss of their fundamental constitutional rights, entitling them to declaratory

and injunctive relief against all Defendants and entitling Plaintiff Belanger to nominal damages against the City.

THIRD CLAIM FOR RELIEF

(Equal Protection—Fourteenth Amendment)

46. Plaintiffs hereby incorporate by reference all stated paragraphs.

47. By reason of the aforementioned acts, policies, practices, procedures, and/or customs, created, adopted, and enforced under color of state law, Defendants have deprived Plaintiffs of the equal protection of the law guaranteed under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

48. Defendants' enforcement of Executive Order 2020-21 to restrict the expressive religious activity of Plaintiffs on the public sidewalks and other public areas adjacent to abortion centers located within Michigan, including within the City, as set forth in this Complaint, violates the Equal Protection Clause of the Fourteenth Amendment.

49. By denying Plaintiffs and other pro-lifers access to public fora to engage in their expressive religious activities, as set forth in this Complaint, Defendants have deprived Plaintiffs of the equal protection of the law.

50. As set forth in the Complaint, Executive Order 2020-21 provides exceptions for individuals who walk, hike, run, or cycle on public sidewalks throughout the State of Michigan, but the order punishes Plaintiffs for using the very same public sidewalks for exercising their constitutional rights. By granting exceptions for non-religious conduct but punishing similar religiously-motivated conduct, Executive Order 2020-21 violates the Equal Protection Clause of the Fourteenth Amendment.

51. As a direct and proximate result of Defendants' violation of the equal protection guarantee of the Fourteenth Amendment as set forth in this Complaint, Plaintiffs have suffered irreparable harm, including the loss of their fundamental constitutional rights, entitling them to declaratory and injunctive relief against all Defendants and entitling Plaintiff Belanger to nominal damages against the City.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs ask this Court:

- A) to declare that Defendants violated Plaintiffs' fundamental constitutional rights as set forth in this Complaint;
- B) to enjoin Defendants' enforcement of Executive Order 2020-21 as applied to restrict the expressive religious activity of Plaintiffs on the public sidewalks and other public areas adjacent to abortion centers located within Michigan as set forth in this Complaint;
- C) to award Plaintiff Belanger nominal damages against the City for the past loss of his constitutional rights;
- D) to award Plaintiffs their reasonable attorney fees, costs, and expenses pursuant to 42 U.S.C. § 1988 and other applicable law;
- E) to grant such other and further relief as this Court should find just and proper.

Respectfully submitted,

AMERICAN FREEDOM LAW CENTER

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EXHIBIT 1

THE OFFICE OF GOVERNOR GRETCHEN WHITMER



WHITMER / NEWS / EXECUTIVE ORDERS

Executive Order 2020-21 (COVID-19)

EXECUTIVE ORDER

No. 2020-21

Temporary requirement to suspend activities that are not necessary to sustain or protect life

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. Older adults and those with chronic health conditions are at particular risk, and there is an increased risk of rapid spread of COVID-19 among persons in close proximity to one another. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5.

of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945, provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To suppress the spread of COVID-19, to prevent the state’s health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, and to avoid needless deaths, it is reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible.

This order takes effect on March 24, 2020 at 12:01 am, and continues through April 13, 2020 at 11:59 pm.



Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:



1. This order must be construed broadly to prohibit in-person work that is not necessary to sustain or protect life.
2. Subject to the exceptions in section 7, all individuals currently living within the State of Michigan are ordered to stay at home or at their place of residence. Subject to the same exceptions, all public and private gatherings of any number of people occurring among persons not part of a single household are prohibited.
3. All individuals who leave their home or place of residence must adhere to social distancing measures recommended by the Centers for Disease Control and Prevention, including remaining at least six feet from people from outside the individual's household to the extent feasible under the circumstances.
4. No person or entity shall operate a business or conduct operations that require workers to leave their homes or places of residence except to the extent that those workers are necessary to sustain or protect life or to conduct minimum basic operations.

a. For purposes of this order, workers who are necessary to sustain or protect life are defined as "critical infrastructure workers," as described in sections 8 and 9.

b. For purposes of this order, workers who are necessary to conduct minimum basic operations are those whose in-person presence is strictly necessary to allow the business or operation to maintain the

value of inventory and equipment, care for animals, ensure security, process transactions (including payroll and employee benefits), or facilitate the ability of other workers to work remotely.

Businesses and operations must determine which of their workers are necessary to conduct minimum basic operations and inform such workers of that designation. Businesses and operations must make such designations in writing, whether by electronic message, public website, or other appropriate means. Such designations, however, may be made orally until March 31, 2020 at 11:59 pm.

5. Businesses and operations that employ critical infrastructure workers may continue in-person operations, subject to the following conditions:

- a. Consistent with sections 8 and 9, businesses and operations must determine which of their workers are critical infrastructure workers and inform such workers of that designation. Businesses and operations must make such designations in writing, whether by electronic message, public website, or other appropriate means. Such designations, however, may be made orally until March 31, 2020 at 11:59 pm. Businesses and operations need not designate:



1. Workers in health care and public health.



2. Workers who perform necessary government activities, as described in section 6.



3. Workers and volunteers described in section 9(d).

b. In-person activities that are not necessary to sustain or protect life must be suspended until normal operations resume.

c. Businesses and operations maintaining in-person activities must adopt social distancing practices and other mitigation measures to protect workers and patrons. Those practices and measures include, but are not limited to:

1. Restricting the number of workers present on premises to no more than is strictly necessary to perform the business's or operation's critical infrastructure functions.

2. Promoting remote work to the fullest extent possible.

3. Keeping workers and patrons who are on premises at least six feet from one another to the maximum extent possible, including for customers who are standing in line.



4. Increasing standards of facility cleaning and disinfection to limit worker and patron exposure to COVID-19, as well as adopting protocols to clean and disinfect in the event of a positive COVID-19 case in the workplace.



5. Adopting policies to prevent workers from entering the premises if they display respiratory symptoms or have had contact with a person who is known or suspected to have COVID-19.

6. Any other social distancing practices and mitigation measures recommended by the Centers for Disease Control.

6. All in-person government activities at whatever level (state, county, or local) that are not necessary to sustain or protect life, or to supporting those businesses and operations that are necessary to sustain or protect life, are suspended.

a. For purposes of this order, necessary government activities include activities performed by critical infrastructure workers, including workers in law enforcement, public safety, and first responders.

b. Such activities also include, but are not limited to, public transit, trash pick-up and disposal, activities necessary to manage and oversee elections, operations necessary to enable transactions that support the work of a business's or operation's critical infrastructure workers, and the maintenance of safe and sanitary public parks so as to allow for outdoor recreation.

c. For purposes of this order, necessary government activities include minimum basic operations, as described in section 4(b). Workers performing such activities need not be designated.

- d. Any in-person government activities must be performed consistently with the social distancing practices and other mitigation measures to protect workers and patrons described in section 5(c).

7. Exceptions.

- a. Individuals may leave their home or place of residence, and travel as necessary:

1. To engage in outdoor activity, including walking, hiking, running, cycling, or any other recreational activity consistent with remaining at least six feet from people from outside the individual's household.
2. To perform their jobs as critical infrastructure workers after being so designated by their employers. (Critical infrastructure workers who need not be designated under section 5(a) may leave their home for work without a designation.)



3. To conduct minimum basic operations, as described in section 4(b), after being designated to perform such work by their employers.



4. To perform necessary government activities, as described in section 6.



5. To perform tasks that are necessary to their health and safety, or to the health and safety of their family or household members (including pets). Individuals may, for example, leave the home or place of residence to secure medication or to seek medical or dental care that is necessary to address a medical emergency or to preserve the health and safety of a household or family member (including procedures that, in accordance with a duly implemented nonessential procedures postponement plan, have not been postponed).
6. To obtain necessary services or supplies for themselves, their family or household members, and their vehicles. *Individuals must secure such services or supplies via delivery to the maximum extent possible.* As needed, however, individuals may leave the home or place of residence to purchase groceries, take-out food, gasoline, needed medical supplies, and any other products necessary to maintain the safety, sanitation, and basic operation of their residences.
7. To care for a family member or a family member's pet in another household.
8. To care for minors, dependents, the elderly, persons with disabilities, or other vulnerable persons.
9. To visit an individual under the care of a health care facility, residential care facility, or congregate care facility, to the extent otherwise permitted.



10. To attend legal proceedings or hearings for essential or emergency purposes as ordered by a court.
11. To work or volunteer for businesses or operations (including both and religious and secular nonprofit organizations) that provide food, shelter, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.

b. Individuals may also travel:

1. To return to a home or place of residence from outside this state.
2. To leave this state for a home or residence elsewhere.
3. To travel between two residences in this state.



4. As required by law enforcement or a court order, including the transportation of children pursuant to a custody agreement.



8. For purposes of this order, critical infrastructure workers are those workers described by the Director of the U.S. Cybersecurity and Infrastructure Security Agency in his guidance of March 19, 2020 on the COVID-19 response (available [here](#)). Such workers include some workers in each of the following sectors:



- a. Health care and public health.
- b. Law enforcement, public safety, and first responders.
- c. Food and agriculture.
- d. Energy.
- e. Water and wastewater.
- f. Transportation and logistics.
- g. Public works.
- h. Communications and information technology, including news media.
- i. Other community-based government operations and essential functions.



j. Critical manufacturing.

k. Hazardous materials.

l. Financial services.

m. Chemical supply chains and safety.

n. Defense industrial base.

9. For purposes of this order, critical infrastructure workers also include:

- a. Child care workers (including workers at disaster relief child care centers), but only to the extent necessary to serve the children or dependents of critical infrastructure workers as defined in this order. This category includes individuals (whether licensed or not) who have arranged to care for the children or dependents of critical infrastructure workers.



- b. Workers at designated suppliers and distribution centers, as described below.

1. A business or operation that employs critical infrastructure workers may designate suppliers, distribution centers, or service providers whose continued operation is necessary to enable, support, or facilitate the work of its critical infrastructure workers.
2. Such suppliers, distribution centers, or service providers may designate workers as critical infrastructure workers *only* to the extent those workers are necessary to enable, support, or facilitate the work of the original operation's or business's critical infrastructure workers.
3. Designated suppliers, distribution centers, and service providers may in turn designate additional suppliers, distribution centers, and service providers whose continued operation is necessary to enable, support, or facilitate the work of their critical infrastructure workers.
4. Such additional suppliers, distribution centers, and service providers may designate workers as critical infrastructure workers *only* to the extent that those workers are necessary to enable, support, or facilitate the work of the critical infrastructure workers at the supplier, distribution center, or service provider that has designated them.
5. Businesses, operations, suppliers, distribution centers, and service providers must make all designations in writing to the entities they are designating, whether by electronic message,



public website, or other appropriate means. Such designations may be made orally until March 31, 2020 at 11:59 pm.

6. Businesses, operations, suppliers, distribution centers, and service providers that abuse their designation authority shall be subject to sanctions to the fullest extent of the law.

c. Workers in the insurance industry, but only to the extent that their work cannot be done by telephone or remotely.

d. Workers and volunteers for businesses or operations (including both and religious and secular nonprofit organizations) that provide food, shelter, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.

e. Workers who perform critical labor union functions, including those who administer health and welfare funds and those who monitor the well-being and safety of union members who are critical infrastructure workers, provided that any administration or monitoring should be done by telephone or remotely where possible.



10. Nothing in this order should be taken to supersede another executive order or directive that is in effect, except to the extent this order imposes more stringent limitations on in-person work, activities, and



interactions. Consistent with prior guidance, a place of religious worship, when used for religious worship, is not subject to penalty under section 14.

11. Nothing in this order should be taken to interfere with or infringe on the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority.
12. This order takes effect on March 24, 2020 at 12:01 am, and continues through April 13, 2020 at 11:59 pm.
13. The governor will evaluate the continuing need for this order prior to its expiration. In determining whether to maintain, intensify, or relax its restrictions, she will consider, among other things, (1) data on COVID-19 infections and the disease's rate of spread; (2) whether sufficient medical personnel, hospital beds, and ventilators exist to meet anticipated medical need; (3) the availability of personal protective equipment for the health-care workforce; (4) the state's capacity to test for COVID-19 cases and isolate infected people; and (5) economic conditions in the state.



14. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

Given under my hand and the Great Seal of the State of Michigan.



EXHIBIT 2

State of Michigan Uniform Law Citation

US DOT # _____ No. _____ Incident No. _____ Dept. No. _____

The People of: ☐ the State of Michigan ☐ Township ☒ City ☐ Village ☐ County

Local Use/Arrest No. _____ Detection Device _____

OF: **DETROIT** BAC _____ of _____

THE UNDERSIGNED SAYS THAT ON: _____ At approximately ☐ A.M. ☐ P.M. Date _____ Month _____ Day _____ Year _____

State ☐ Oper./Chauff. Driver License Number _____ SSN (last 4 digits) _____
☐ CDL ☐ Enhanced

Race _____ Sex _____ Height _____ Weight _____ Hair _____ Eyes _____ Occupation/Employer _____

Name (First, Middle, Last) Andrew Michael Behringer

Street _____

City Detroit State MI Zip Code 48209

Vehicle Plate No. _____ Year _____ State _____ Vehicle Description (Year, Make, Color) _____ Veh. Type _____

THE PERSON NAMED ABOVE, in violation of ☐ Local Ordinance ☐ State Law ☐ Administrative Rule
 UPON _____

AT OR NEAR 19305 W 7 Mile

WITHIN ☒ CITY ☐ VILLAGE ☐ TOWNSHIP OF **DETROIT**

COUNTY OF **WAYNE** DID THE FOLLOWING

Type	MCL Cite/PACC Code/Ordinance	Description (include any bond amount collected on each charge)	Charge No.
<input type="checkbox"/> C/I <input type="checkbox"/> Warn <input type="checkbox"/> Misd <input type="checkbox"/> Fel	<input type="checkbox"/> Authorization pend. <input type="checkbox"/> Fug <input type="checkbox"/> Waiv	<u>Emergency Power of Attorney</u>	1
<input type="checkbox"/> C/I <input type="checkbox"/> Warn <input type="checkbox"/> Misd <input type="checkbox"/> Fel	<input type="checkbox"/> Authorization pend. <input type="checkbox"/> Fug <input type="checkbox"/> Waiv	<u>Emergency Power of Attorney</u>	2
<input type="checkbox"/> C/I <input type="checkbox"/> Warn <input type="checkbox"/> Misd <input type="checkbox"/> Fel	<input type="checkbox"/> Authorization pend. <input type="checkbox"/> Fug <input type="checkbox"/> Waiv	<u>Emergency Power of Attorney</u>	3

TO THE COURT: Do not arraign on a felony charge until an authorized complaint is filed.

Offense Code(s) 1 _____ 2 _____ 3 _____

Key for Type: C/I = Civil Infraction Misd = Misdemeanor Fel = Felony Warn = Warning Fug = Fugitive
 Waiv = Violation for Which Fines/Costs May be Waived Authorization pend. = Authorization pending

Remarks: Subject refusing to leave, protesting outside while shutdown is in effect

CHECK IF APPROPRIATE ☐ Damage to Property ☐ Local Court Bond \$ _____
☐ Vehicle Impounded ☐ Injury ☐ License Posted in Lieu of Bond
☐ Traffic Crash ☐ Death ☐ Appearance Certificate
 Person in Active Military Service ☐ Yes ☐ No ☐ None

SEE BACK OF CITATION FOR EXPLANATION

☐ Misdemeanor*: Court will notify
☐ Civil Infractions: Must contact court for a hearing date or pay fines and cost within 14 days
☐ Juvenile Traffic Misd.* (Court will Notify) ☐ Formal Hearing Required. (Court will Notify)
 *see attached fine and cost schedule - some misdemeanors are payable

In the **36TH DISTRICT** Court of **DETROIT**
 Court Address & Phone Number **421 MADISON
 DETROIT, MICHIGAN 48226
 PHONE (313) 965-8700**

☐ I served a copy of the civil infraction complaint upon the defendant (or owner/occupant by posting if applicable).
 I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.

Complainant's Signature and receipt if applicable _____ Month _____ Day _____ Year _____

Officer's Name (printed) _____ Officer's ID No. 2710

Agency ORI _____ Agency Name **DETROIT POLICE DEPARTMENT**

UC-01a (rev. 6/05) MISDEMEANOR COPY

Ticket No. **385098**

Name _____

Case No. _____