

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

DANA NESSEL, ATTORNEY GENERAL
OF THE STATE OF MICHIGAN, EX REL
THE PEOPLE OF THE STATE OF
MICHIGAN,

Plaintiff,

v.

Case No. 2023-204583-CP
Hon. Nanci J. Grant

JOHN CHURCH, MICHELE CHURCH,
METRO MOW 'N SNOW, LLC, THE
SNOW GUYS, INC., and JOHN
CHURCH'S SNOW SERVICE, INC.

Defendants.

Johnathan S. Comish (P86211)
Assistant Attorney General
Attorney for Plaintiff
Michigan Dep't of Attorney General
Corporate Oversight Division
PO BOX 30736
Lansing, MI 48909
(517) 335-7632
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Sean P. Murphy (P79255)
MURPHY LAW FIRM PLC
Attorneys for Defendants
34705 W. 12 Mile Road, Suite 160
Farmington Hills, MI 48331
(248) 686-3861
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CONSENT ORDER OF CONDITIONAL DISMISSAL

At a session of said Court held on
January 2, 2025, in the City of Pontiac, Michigan.

Present: HON. NANCI J. GRANT

On December 21, 2023, Attorney General Dana Nessel filed a complaint against the Defendants. In her Complaint, the Attorney General asserts the Defendants breached the AVC, violated multiple MCPA provisions, committed statutory or common law conversion. Among other remedies, the Attorney General sought to dissolve the Churches' entities through quo warranto as a violation of the

Limited Liability Company Act for repeatedly and willfully conducting business in an unlawful manner. (Compl, ¶ 99-120.)

The Attorney General served the Churches and two of their entities on January 5, 2024. The last of the Churches' entities, Metro Mow 'N Snow, was served on February 15, 2024. On January 25, 2024, John and Michele wrote a short letter ("Letter") to this Court, explaining that they wished to cooperate with the Attorney General to reach a settlement in this matter. (Letter, Ex. A.)

The Attorney General filed her Motion for Default or Summary Disposition and served it on the Defendants on March 28, 2024. The Court issued the Order Granting Motion for Extension of Time, Motion for Alternative Service and Motion for Default on April 10, 2024. The Clerk issued Default on all Defendants on April 11, 2024. The Attorney General served the Default on the Defendants on April 11, 2024.

The Defendants retained an attorney and began settlement negotiations shortly thereafter. The Default was subsequently set aside on August 21, 2024, and Defendants filed an answer to the Complaint on August 23, 2024. Defendants now wish to resolve the pending matter rather than pursue continued litigation. Meanwhile, the Attorney General has stated throughout this litigation the dual goals of returning money to harmed consumers and securing binding assurances that Defendants will permanently cease their business practices.

Following discussions between the Attorney General's Office and Defendants and their counsel, this Consent Order of Conditional Dismissal is being presented

because it is deemed by both sides to be the best mechanism for accomplishing these goals.

Defendants acknowledge they have had the opportunity to review this document and receive appropriate legal consultation prior to its entry.

Therefore, upon the consent of the Parties as reflected through the below signatures, IT IS ORDERED AS FOLLOWS:

1. Defendants will pay to the Department of Attorney General the total sum of \$50,000, subject to Paragraph 10 of this Order. This shall be accomplished through monthly payments of five hundred (\$500.00) dollars per month on or before the tenth day of each month, beginning on March 1, 2025;

2. All payments made under this Consent Order of Conditional Dismissal shall be accomplished through addressing a check to the State of Michigan and mailing the check to:

Attn: Assistant Attorney General Jonathan Comish
Corporate Oversight Division
Michigan Department of Attorney General
P.O. Box 30212
Lansing, MI 48909

3. If any of these payments are more than thirty (30) days late, the Attorney General shall notify Defendants by certified mail to [REDACTED] [REDACTED] with a copy to Attorney Murphy's address at 34705 W 12 Mile Road, Ste. 160, Farmington Hills, MI 48331 (which shall not constitute notice). If Defendants fail to make the payments within thirty (30) days of receipt of said notification, the Attorney General may move the Court to

reopen this case for the entry of a judgment in the amount of the sum set forth in Paragraph 1, less any payments made to date;

4. The Attorney General will distribute any penalties collected from the Defendants to consumers in her sole discretion;
5. All non-disparagement clauses in any contracts between any Defendant or any entity controlled by any Defendant and any consumer are hereby declared to be unenforceable;
6. Beginning on January 1, 2025, Defendants are permanently enjoined from:
 - forming, organizing, operating, managing, or directing any business entity that offers snow removal, lawn care or landscaping services in the State of Michigan;
 - working for any business entity in any capacity that involves the sale of snow removal, lawn care or landscaping services;
7. Defendants agree to dissolve Metro Mow 'n Snow, LLC and any other business entities formed by the Defendants or at their direction for the purposes of marketing and providing landscaping, lawn maintenance, or snow removal services. Within seven (7) days of the entry of this Order, the Defendants will provide the Attorney General with a list of all business entities owned, operated, or directed by the Defendants;
8. The Defendants will provide documentation that they have dissolved all entities subject to this Order by January 1, 2025 to the Attorney General;
9. The Defendants agree to promptly comply with any requests for information from the Attorney General related to the Defendant's compliance with their obligations under this Order, the MCPA, or any

other relevant rule or statute;

10. If the Defendants pay \$25,000 of the penalty to the Attorney General and otherwise abide by this order for a period of five years from entry of this order, The Attorney General shall waive and forego any right to collect, and the Defendants shall have no further obligation to pay, the remaining \$25,000 of the amount set forth in Paragraph 1;

11. The Attorney General may, pursuant to MCL 2.602(C)(2), seek to reinstate the case and enter a judgment in the amount set forth in Paragraph 1, less any payments made, if Defendants materially breach their obligations under Paragraphs 6, 7, 8, or 9, of this order, or fail to make timely payments under the procedure enacted in Paragraph 3 of this order.

12. This case is hereby dismissed with prejudice, subject to potentially being reopened for entry of a judgment as set forth in this Order.

This is a final order resolving the last pending claim in this lawsuit and closing this case.

Dated: January 2, 2025

SEAL OF THE CIRCUIT COURT
OF OAKLAND COUNTY MICHIGAN
/s/ Nanci J. Grant
January 2, 2025

HON. NANCY J. GRANT
Oakland County Circuit Court Judge

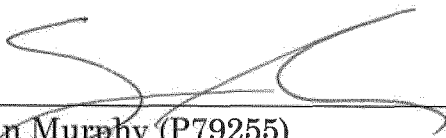
SA

WE CONSENT TO ENTRY OF THE ABOVE ORDER:

Dated: December 30, 2024

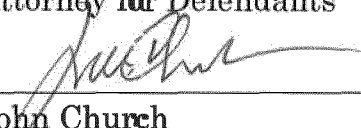
Jonathan Comish (P86211)
Attorney for Plaintiff

Dated: December 30, 2024




Sean Murphy (P79255)
Attorney for Defendants

Dated: December __, 2024



John Church

Dated: December __, 2024



Michele Church