STATE OF MICHIGAN
IN THE SUPREME COURT

HON. KWAME M. KILPATRICK,

Plaintiff-Appellant,

v.

Supreme Court No. 137195
Court of Appeals No. 287462

HON. JENNIFER M. GRANHOLM,
in her official capacity as Governor of the State of Michigan,
and DETROIT CITY COUNCIL,

Defendant-Appellees.

Circuit Court Number: 08-122051 CZ

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MOTION TO STAY PROCEEDINGS

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Lower Court No. 08-122051-CZ

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Defendant-Appellees.

MOTION TO STAY PROCEEDINGS

NOW COMES Plaintiff-Appellant KWAME KILPATRICK, by and through his attorney James C. Thomas, and respectfully requests this Honorable Court to grant his Motion for a Stay of the Governor's Removal Proceedings pending appeal. In support of the instant motion Plaintiff states as follows:

1. Plaintiff Kwame Kilpatrick is the elected Mayor for the City of Detroit. On May 20, 2008, the Detroit City Council filed its "Petition and Charges of the Detroit City Council against Honorable Kwame M. Kilpatrick Seeking his Removal for Acts of Official Misconduct."
2. On September 3, 2008, the Honorable Jennifer Granholm will begin proceedings to determine whether to remove Plaintiff from elected office pursuant to MCL 168.327, the statute which is being challenged by the Plaintiff in the instant matter.
3. On August 28, 2008, Plaintiff filed his Complaint for Declaratory and Injunctive Relief and Motion for Temporary Restraining Order ("TRO") with the trial court in

order to halt the Governor's Removal Proceedings which are scheduled to commence on September 3, 2008.

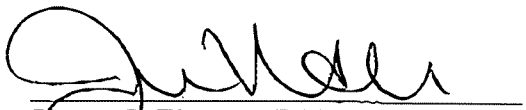
4. In support of his Complaint for Injunctive Relief and a TRO, Appellant is challenging the Removal Statute, MCL 168.327, by arguing it is Void for Vagueness in violation of the right to fair and just treatment pursuant to Mich Const 1963, Art. 1, § 17.
5. In further support of his position, Appellant is also challenging the Governor's ability to preside over the removal proceedings in an unbiased and impartial manner. To the contrary, Appellant believes the Governor has demonstrated bias and preconception during the past several months these issues have been raised and discussed in the public.
6. That on September 2, 2008, the Honorable Judge Robert L. Ziolkowski heard and denied Plaintiff-Appellant's Motion for Injunctive Relief and a TRO.
7. That unless this Honorable Court enters an Order Staying the Governor's Removal Proceedings, the instant appeal will become moot by operation of the Governor entering a decision prior to the exhaustion of Plaintiff's appellate remedies.
8. That the Constitutional issues raised in Plaintiff's TRO request, heard and denied by Wayne County Circuit Court Judge Robert Ziolkowski, should be decided prior to allowing Governor Granholm to commence the Removal Hearings.
9. That pursuant to MCR 7.209(A)(2), the instant motion was heard and denied by the Court of Appeals and Honorable Judge Ziolkowski on September 2, 2008.
10. That a Stay of Proceedings is necessary to prevent a manifest injustice by forcing Plaintiff-Appellant out of elected office without first allowing him the opportunity to appeal the unprecedented and important issues raised in this matter.

RELIEF REQUESTED

WHEREFORE, Plaintiff-Appellant respectfully requests this Court to enter an Order Staying the Governor's Removal Proceedings scheduled to commence on September 3, 2008.

Respectfully submitted,

JAMES C. THOMAS
Of Counsel, Plunkett Cooney
Attorneys for Plaintiff-Appellant
Mayor Kwame Kilpatrick



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Dated: September 3, 2008