

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

SIESTA VILLAGE MARKET, L.L.C.,
d/b/a SIESTA MARKET, JOE CHESS
and TERRY FOWLER,

Plaintiffs,

v

JENNIFER GRANHOLM, Governor of
Michigan, MICHAEL COX, Attorney
General of Michigan, and NIDA SAMONA,
Chairperson of the Michigan Liquor
Commission,

Defendants,

and

MICHIGAN BEER & WINE WHOLESALERS
ASSOCIATION,

Intervening Defendant.

Case No. 2:06-cv-13041
Assigned to Denise Page Hood

**STIPULATION AND ORDER FOR STAY OF
INJUNCTION, ORDER AND JUDGMENT
PENDING APPEAL**

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STIPULATION FOR STAY OF INJUNCTION, ORDER AND JUDGMENT

The parties by and through their respective counsel hereby stipulate and agree that pursuant to Federal Rule of Civil Procedure 62 that the injunction, order and judgment entered by the Court on September 30, 2008 be stayed from the date of entry of the September 30, 2008 order and the judgment through the pendency of any appeal filed in this matter. Should no notice of appeal be filed within the time frame permitted by the applicable court rules or should an appeal be filed but then abandoned, the stay shall be dissolved.

The parties believe this stay is warranted because of the significance of the legal issues presented by this case and because this case involves a longstanding statutory scheme which the State will be enjoined from enforcing should a stay not be entered pending the taking of an appeal and during the pendency of an appeal.

The parties agree to entry of the order set out below.

Dated: October 2, 2008

EPSTEIN COHEN DONAHOE & MENDES
Attorneys for Plaintiffs

BY s/Anthony S. Kogut with consent
Robert D. Epstein (P6726-49)

Dated: October 2, 2008

WILLINGHAM & COTE', P.C.
Attorneys for Intervening Defendant

BY s/Anthony S. Kogut
Anthony S. Kogut (:31697)

Dated: October 2, 2008

MICHAEL A. COX
Attorney General
Attorney for Defendant State

BY s/Anthony S. Kogut with consent
Howard E. Goldberg (P14095)

ORDER

The Court having reviewed the foregoing stipulation of the parties and being advised in the premises, now therefore:

IT IS HEREBY ORDERED that the injunction entered on September 30, 2008 is stayed and enforcement of the September 30, 2008 memorandum opinion and order and the September 30, 2008 judgment is stayed during the time period allotted to the parties under the court rules to file a notice of appeal and, if a notice of appeal is filed, until the conclusion of the appeal.

If an appeal is not filed or if filed and abandoned this stay shall be dissolved.

The stay of enforcement of the September 30, 2008 injunction and enforcement of the Court's September 30, 2008 order and judgment shall remain in effect until the conclusion of any appeal or further order of the Court.

s/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: October 6, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 6, 2008, by electronic and/or ordinary mail.

s/Lisa Ware for William F. Lewis
Case Manager