

STATE OF MICHIGAN
IN THE WASHTENAW COUNTY CIRCUIT COURT

MICHIGAN GUN OWNERS, INC.,
and ULYSSES WONG, an individual,

Plaintiffs,

ANN ARBOR PUBLIC SCHOOLS, and
JEANICE K. SWIFT, an individual

Defendants,

James J. Makowski P62115
Steven S. Sundeen P 69315
Attorneys for Plaintiff
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APR 27 2015
Washtenaw County
Clerk/Registrar

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

There is no other pending or resolved civil action arising out
of the transaction or occurrence alleged in the complaint.

NOW COME PLAINTIFFS, Michigan Gun Owners, Inc., and Ulysses Wong, by and
through their attorneys James J. Makowski and Steven S. Sundeen, and for their Verified
Complaint states as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Michigan Gun Owners, Inc. (MGO) is a Michigan nonprofit organization
created under the Michigan Nonprofit Corporation Act (Act 162 of 1982). Their

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goals include educating the public on safe responsible gun ownership and preserving and defending the right to keep and bear arms as guaranteed by the Bill of Rights and Article I, section 6 of Michigan's Constitution. MGO has a presence in Washtenaw County and represents the interests of its member(s) having a case or controversy and preventing the occurrence.

2. Plaintiff Ulysses Wong (WONG) is a resident of Washtenaw County, State of Michigan.
3. Defendant Ann Arbor Public Schools is a school district, pursuant to MCL 380.6; and a local unit of government, pursuant to MCL 123.1101(a), and MCL 169.209(6).

4. Dr. Jeanice K. Swift is the Superintendent of the Ann Arbor Public Schools.
5. This action arises out of several policies enacted by the Ann Arbor Public Schools Board, to be enforced by the Superintendent.

6. Venue is proper in Washtenaw County.
7. This Court has jurisdiction pursuant to MCR 2.605(A)(2).
8. An actual and justifiable controversy exists between the parties.
9. It is necessary for this court to adjudicate and declare the rights of the parties as to future conduct and to preserve the legal rights of the Plaintiffs.
10. Declaratory relief will prevent a multiplicity of actions at law and prevent any future conflicts between the parties.

FACTS

11. Plaintiff WONG is a married parent of a minor child that attends Ann Arbor Public Schools.
12. Plaintiff WONG has the legal ability to possess firearms, including pistols.
13. Plaintiff WONG also possesses a Concealed Pistol License (CPL) and is able to carry a concealed pistol throughout the State of Michigan.

14. MCL 28.425o(1)(a), prohibits people with a CPL from carrying a concealed pistol within specifically defined areas. One of these areas is a school or school property, except that a parent or legal guardian of a student of the school is not precluded from carrying a concealed pistol while in a vehicle on school property, if he or she is dropping the student off at the school or picking up the student from the school.

15. Carrying a concealed pistol within a school building or on school property with or without a CPL is unlawful except for those individuals who fall under one or more of the statutory exceptions found in MCL 28.425o(5).

16. The prohibition stated in MCL 28.425o(1)(a) applies only to concealed pistols and does not apply to an individual carrying an openly carried, unconcealed firearm.

17. Carrying a firearm openly is generally a lawful activity.

18. MCL 750.234d prohibits firearms on certain premises, including schools, but contains several exceptions. One of these exceptions is people that have a CPL.

19. The open carry of a pistol in a school or on school property is a lawful activity.

20. State law preempts a local unit of government from regulating the possession and transportation of a firearm. MCL 123.1101(a) and MCL 123.1102. See also *Michigan Coalition for Responsible Gun Owners v. City of Ferndale*, 256 Mich App 401 (2003) and *Capitol Area District Library v Michigan Open Carry, Inc.*, 298 Mich App 220 (2013).

21. On April 15, 2015, the Ann Arbor Public School Board enacted Policies 5400, 5410, and 5420.

22. Policy 5400 allows the Superintendent to close schools and cancel events if there is an emergency. It specifically states that the presence of a dangerous weapon, which includes a pistol, is an emergency.

23. Policy 5410 designates all Ann Arbor Public School's property, as "Dangerous Weapon & Disruption-Free Zones." It also mandates that the Superintendent enforce this policy. This policy also mandates that they refuse entry to anyone

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causing a disruption of the educational process or a reasonable forecast of material disruption.

24. Policy 5420 states that no person in possession of a dangerous weapon (including a pistol) will be allowed to be on Ann Arbor Public Schools property. The only exception is officers duly sworn to and in good standing with public law enforcement agencies and any other future exceptions to be defined by the Superintendent.

25. Like Plaintiff WONG, the members of Plaintiff MGO are similarly situated.

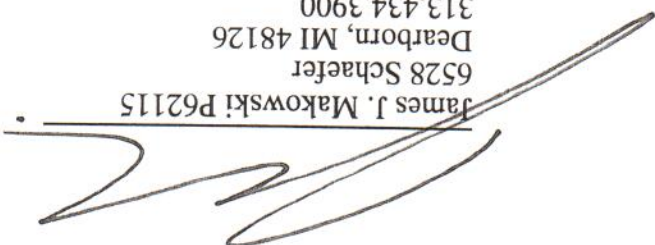
WHEREFORE, Plaintiffs Michigan Gun Owners, Inc. and Ulysses Wong hereby pray that this court grant the following relief:

- A. GRANT a declaratory order that Ann Arbor Public Schools are not allowed to bar Ulysses Wong and all other similarly situated individuals from entering onto any Ann Arbor Public School building or property while engaged in lawful activities;
- B. GRANT Plaintiffs a declaratory order enjoining the Ann Arbor Public Schools from promulgating and enforcing any policy that is preempted by state law;
- C. GRANT Plaintiffs reasonable costs and attorney's fees; and,
- D. GRANT any other relief that the court deems equitable, proper and just.

Dated

4/27/2015

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