

Order

Michigan Supreme Court
Lansing, Michigan

April 3, 2013

Robert P. Young, Jr.,
Chief Justice

145816

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

JOHN TER BEEK,
Plaintiff-Appellee,

v

SC: 145816
COA: 306240
Kent CC: 10-011515-CZ

CITY OF WYOMING,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the July 31, 2012 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether the defendant city's zoning code ordinance, which prohibits any use that is contrary to federal law, state law, or local ordinance, is subject to state preemption by the Michigan Medical Marihuana Act (MMMA), MCL 333.26421 *et seq.*; and (2) if so, whether the MMMA is subject to federal preemption by the federal Controlled Substances Act (CSA), 21 USC 801 *et seq.*, on either impossibility or obstacle conflict preemption grounds. See 21 USC 903.

Persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



s0327

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 3, 2013

Corbin R. Davis

Clerk