

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION**

ARKONA, LLC and DIANNE  
KASBOB, on behalf of themselves  
and all those similarly situated,  
Plaintiffs,

Case No.: 1:19-cv-12372  
Hon. David M. Lawson

**MOTION**

v.

\*\* CLASS ACTION \*\*

COUNTY OF CHEBOYGAN and  
COUNTY OF MONROE,  
Defendants

\_\_\_\_\_ /

**INTERIM COUNSEL’S MOTION FOR  
AWARD OF ATTORNEY FEES AND COSTS**

For the reasons set forth in the brief in support of this motion, Interim Counsel respectfully requests that, if the Court grants final approval of the proposed settlement, then it also award attorney fees of twenty percent of claims made and paid, and costs up to \$25,000, as provided in the parties’ Settlement Agreement. **ECF No. 86-3**. Pursuant to Local Rule 7.1, Interim Counsel corresponded with counsel for the Defendants in good faith to seek concurrence in the relief sought by this Motion. Counsel for the Defendants indicated they continue to fully support the provisions as provided by the Settlement Agreement, but do not otherwise concur with the Motion.

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## QUESTIONS PRESENTED

Should the Court approve Interim Counsel's request for an award of attorney's fees and costs where the amounts are as provided in the parties' Settlement Agreement and supported by the results achieved for class members who make claims?

**MOST CONTROLLING AUTHORITY**

*FRCP 23(h)*

*Rawlings v. Prudential-Bache Props., Inc.*, 9 F.3d 513 (6th Cir. 1993)

*Ramey v. Cincinnati Enquirer, Inc.*, 508 F.2d 1188 (6th Cir. 1974)

## BRIEF IN SUPPORT

When this case started over six years ago, the Counties of Monroe and Cheboygan sold properties each had foreclosed from its citizens and kept all the proceeds. But the Fifth Amendment draws a clear line: the government may collect what it is owed, but it may not take more and keep the difference. *Tyler v. Hennepin Cnty., Minn.*, 598 U.S. 631 (2023). For years, that line was crossed. Property owners lost not only their lands and homes through tax foreclosure, but also the equity embedded within it, and the government retained that surplus without any mechanism for its required return. The constitutional violation was systemic and persisted until litigation forced its correction.

This case is part of the eco-system of cases that forced correction. It and its counsel did not merely follow settled law; it helped and is continuing to help establish it. See *Pung v Isabella County*, USSC Case No. 25-95 (same counsel here as the one who argued in February 2026 before the United States Supreme Court). It required advancing strategic arguments that were resisted at every level until the governing principle was confirmed, i.e., that surplus equity belongs to the former owner, not the government. See *Bowles v. Sabree*, 121 F. 4th 539, 545 (6th Cir. 2024). What began as a contested proposition is now a constitutional baseline that even the

counties no longer contest. But that shift did not occur spontaneously. It followed only after sustained constitutional litigation in this Circuit and beyond, including cases in which Interim Class Counsel served as lead or participating counsel. See, e.g., *Freed v. Thomas*, 81 F.4th 655 (6th Cir. 2023).

The question now is not whether the class was wronged. They were. *Bowles*, 121 F.4th at 545. It is whether the result achieved justifies the fee requested. Interim Class Counsel seeks a fee that is both restrained and tightly aligned with actual recovery: twenty percent of claims made and paid, plus capped costs. The request is not based on a hypothetical fund or a projected maximum exposure. It is based only on what class members actually receive. That structure eliminates the risk of overcompensation and ensures that counsel's recovery is inseparable from the class's recovery.

The law would permit a more aggressive request. Counsel does not make one. The request presented here reflects both the magnitude of the result and the discipline of the approach. The request should be approved.

### **FACTUAL AND PROCEDURAL BACKGROUND**

This case began with a pattern of government conduct that was both simple and severe. Property owners with relatively modest tax delinquencies were stripped not only of their land, but of the equity embedded within it, and

the government retained that surplus without any mechanism for return. The record reflects that this was not an isolated occurrence, but a systemic practice carried out pursuant to county policy and through the discretionary designation of county treasurers as foreclosing governmental units.

The named Plaintiffs illustrate the scope of the harm. See **First Am. Compl., ECF No. 8**. From Cheboygan County, Arkona, LLC lost more than 400 acres of property after a tax delinquency of approximately \$39,750. The county treasurer seized the property, sold it at auction for \$307,000, and retained approximately \$267,250 in surplus proceeds and, until this settlement, refused to voluntarily pay it back. Yet even that figure understates the constitutional injury. The government itself valued the property at a state equalized value of \$252,500, reflecting a fair market value of at least \$505,000. In practical terms, the government extinguished more than \$465,000 in equity to satisfy a debt that was a fraction of that amount, and it did so without initiating any condemnation process or providing any avenue for compensation.

The same pattern appears in Monroe County. Plaintiff Dianne Kasbob lost her property over a tax delinquency of approximately \$2,500. The County seized the property, sold it for \$28,250, and retained roughly \$25,750 in surplus equity. As in Cheboygan County, there was no process to return that

surplus, no mechanism to seek compensation, and no effort by the government to comply with the constitutional requirement that it pay for what it takes despite admonishment otherwise. See *United States v. Lawton*, 110 U.S. 146, 150 (1884) (“If he affirms the propriety of selling or taking more than enough of his land to pay the tax and penalty and interest and costs, and applies for the surplus money, he must receive at least that.”); but see *Rafaeli, LLC v. Oakland Cnty.*, 952 N.W.2d 434 (2020) (distinguishing *Lawton*).

These examples of Arkona LLC and Ms. Kasbob are not outliers; they are representative. The class consists of property owners across both counties who experienced the same constitutional deprivation: the taking of surplus equity beyond the amount of taxes owed, followed by the government’s retention of that value without compensation. The injury was uniform in structure even if it varied in magnitude. The constitutional violation was the same in every instance.

The settlement resolves that violation in a manner that is both concrete and constitutionally faithful. It does not offer symbolic relief or partial restoration. It provides for recovery calculated as a multiple of the surplus proceeds, ensuring that participating class members receive compensation that, in practical effect, restores the value that was taken from them. The

structure eliminates the need for individualized valuation disputes and provides a uniform, administrable mechanism for recovery that can be implemented at scale.

That result matters not only because of the dollars returned, but because of what it represents. The settlement converts a system that once allowed the government to confiscate equity into one that returns it. It replaces a regime of retention with a regime of compensation. It does so without requiring each class member to relitigate the underlying constitutional violation, and without subjecting recovery to the delays and uncertainties inherent in individual actions.

Measured against the governing standard—the degree of success obtained—the result is outstanding. It achieves, in practical terms, what the Constitution requires: just compensation for property taken. It does so across a class of individuals who otherwise would have faced substantial barriers to recovery. And it does so through a structure that ensures the relief is real, not theoretical.

This is not a case where counsel obtained a discount on liability or a compromise on damages. This is a case where counsel forced full recognition of a constitutional violation and secured a remedy that corrects

it. That level of success supports, and indeed compels, approval of the requested professional fee for legal services faithfully rendered.

### ARGUMENT

In a certified class action, reasonable attorney fees and nontaxable costs are awardable as authorized by law or by the parties' agreement. FRCP 23(h). Federal courts have long recognized that when counsel creates a recovery for the benefit of others, equity permits compensation from that recovery. *Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980) ("this Court has recognized consistently that a litigant or a lawyer who recovers a common fund for the benefit of persons other than himself or his client is entitled to a reasonable attorney's fee from the fund as a whole"). The typical percentage-of-the-fund method reflects this principle and aligns with how such work is valued in the market. *Rawlings v. Prudential-Bache Props., Inc.*, 9 F.3d 513, 516 (6th Cir. 1993) ("The percentage of the fund method has a number of advantages: it is easy to calculate; it establishes reasonable expectations on the part of plaintiffs' attorneys as to their expected recovery; and it encourages early settlement, which avoids protracted litigation."). It rewards results rather than time spent and avoids the distortions that can arise from attempting to reconstruct the value of contingent litigation through hourly billing. Awarding a percentage "directly aligns the interests of the class

and its counsel.” *Wal-Mart Stores, Inc v. Visa USA Inc.*, 396 F.3d 96, 122 (2d Cir. 2005). And federal courts also encourage negotiated class settlement fees subject to approval. See *Hensley v. Eckerhart*, 461 U.S. 424, 437 (1983) (“A request for attorneys’ fees should not result in a second major litigation. Ideally, of course, litigants will settle the amount of the fee.”).

In this case, Interim Class Counsel does not seek the outer bounds of what the law would allow. Courts routinely approve fee awards in the range of one-third of a common fund, and in some cases higher, depending on the circumstances. See, e.g., *Green v. FCA US, LLC*, 2022 WL 3153777, at \*1 (E.D. Mich. August 8, 2022); *Schreiber v. Mayo Found. for Med. Educ. & Rsch.*, No. 2:22-cv-00188, 2024 WL 4706185, at \*3 (W.D. Mich. May 29, 2024). Here, counsel seeks twenty percent, and not of a gross settlement fund, but only of claims actually paid. That distinction is significant. It ensures that counsel is compensated only to the extent that class members receive money. The relationship between class recovery and counsel compensation is direct and unavoidable.

This structure addresses the principal concern often raised in class action fee petitions—that counsel may be compensated based on theoretical or unclaimed funds. That concern has no application here. The fee is not

detached from the class's recovery; it is entirely dependent upon it. That alignment is not merely sufficient. It is exemplary.<sup>1</sup>

Given the market rate for contingent litigation of this type, the complexity of the issues, the length of time this case took, and the magnitude of the result, the requested percentage falls well within the range of reasonableness. Indeed, it falls below what many courts would consider appropriate under similar circumstances. That restraint reinforces, rather than undermines, the propriety of the request.

**I. The Sixth Circuit's factors further support approval.**

The Sixth Circuit's *Ramey* factors further favor approval. *Ramey* directs district courts to generally consider (1) the value of benefit to the class; (2) society's stake in rewarding attorneys who produce the settlement's benefits, to maintain an incentive to others; (3) whether the work was performed on a contingent fee basis; (4) complexity of the litigation; (5) skill and standing of counsel on both sides; and (6) the value of the legal services performed on an hourly basis. See *Ramey v. Cincinnati Enquirer*,

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<sup>1</sup> On the flip side, courts have rejected the time-based alternative. "[T]he [alternative] lodestar method has been criticized for being too time-consuming of scarce judicial resources." *Rawlings*, 9 F.3d at 515. It forces district court judges to "pore over time sheets, arrive at a reasonable hourly rate, and consider numerous factors in deciding whether to award a multiplier" that unfairly creates "incentives for overbilling and the avoidance of early settlement." *Id.* at 515-516.

*Inc.*, 508 F.2d 1188, 1196 (6th Cir. 1974); *Moulton v. U.S. Steel Corp.*, 581 F.3d 344, 352 (6th Cir. 2009).

**A. Interim Counsel secured an excellent result for claimants.**

“The primary factor in determining a reasonable fee is the result achieved on behalf of the class.” *In re Delphi*, 248 F.R.D. 483, 503 (E.D. Mich. 2008); *Hensley*, 461 U.S. at 436 (“[T]he most critical factor is the degree of success obtained.”). Here, the settlement generally gives claimants a gross 125 percent recovery. If the Court awards fees, claimants will generally get a net 100 percent recovery. This is an excellent result. *Compare Wayside Church v. Van Buren Cnty.*, USMI-WD 1:14-cv-01274-PLM, ECF No. 554, PageID.13031 (settlement was 80 percent gross and 64 percent net).

**B. Societal stake in complex constitutional litigation.**

Society has a strong stake in rewarding attorneys who produce the type of benefits achieved by the Settlement. *See In re Cardizem CD Antitrust Litig.*, 218 F.R.D. 508, 533 (E.D. Mich. 2003) (“Encouraging qualified counsel to bring inherently difficult and risky but beneficial class actions . . . benefits society.”). Without a class action, small claimants or claimants with lack of judicial experience individually lack the resources and ability to vigorously litigate their rights. The public benefits when constitutional rights are

protected, and thus has a strong interest in incentivizing litigation against a widespread constitutional violation. See *Bowles*, 121 F.4th at 556. And regardless of the ultimate outcome here, Interim Counsel’s efforts have already borne fruit in contributing to PA 256’s enactment. This case, as one of the largest surplus proceeds taking cases, has already helped put an end to the unconstitutional *status quo ante*.

**C. Interim Counsel assumed significant risk of nonpayment.**

Interim Counsel’s willingness to undertake this litigation on a contingency basis while investing significant resources without any guarantee of compensation or reimbursement further supports the reasonableness of the requested award. See *In re Cardizem*, 218 F.R.D. at 533; see also *Stanley*, 2009 WL 4646647, at \*3 (“Numerous cases recognize that the contingent fee risk is an important factor in determining the fee award.”). Indeed, “[n]o one expects a lawyer whose compensation is contingent upon his success to charge, when successful, as little as he would charge a client who in advance had agreed to pay for his services, regardless of success.” *City of Detroit v Grinnell Corp.*, 495 F.2d 448, 470 (2nd. Cir. 1974) abrogated on other grounds by *Goldberger v. Integrated Res., Inc.*, 209 F.3d 43 (2d Cir. 2000).

Here, success on the merits when this case started was far from certain and heavily opposed every step of the way. This factors favors the successful plaintiffs' counsel. See *In re Packaged Ice Antitrust Litig.*, 2011 WL 6209188, at \*19 (E.D. Mich. Dec. 13, 2011) (attorneys who take cases with “a significant risk of nonpayment . . . should be compensated both for services rendered and for the risk of loss or nonpayment assumed by accepting and prosecuting the case”) (quotations and citation omitted).

**D. The complexity of the litigation supports the requested fee.**

The complexity of the litigation also confirms the reasonableness of the requested fee award. *In re Cardizem*, 218 F.R.D. at 533. “[M]ost class actions are inherently complex[.]” *In re Telectronics Pacing Sys, Inc*, 137 F Supp 2d 985, 1013 (SD Ohio 2001) (quotations and citation omitted). This one more so. As detailed above, Class Counsel has faced enormous burdens in litigating this case: pleading in the face of then-hostile jurisprudence, securing class certification, multiple stays, multiple appeals to higher courts in parallel cases as well as this case, decertification challenges, difficult negotiations, a difficult effort to finalize the settlement agreement, ongoing risks to the settlement from 78t, and now a difficult outreach campaign. Complexity abounds (and were overcome). See *Wayside*, USMI-WD 1:14-cv-01274-PLM, ECF No. 554, PageID.13033 (“The complexity of

this [tax surplus proceeds] litigation also supports the reasonableness of the fee request.”).

**E. The Parties are both represented by skilled counsel.**

The skill of both Interim Counsel and Defendants’ Counsel also validates the reasonableness of the requested fee award. *In re Delphi*, 248 FRD at 504 (“The quality of opposing counsel also is important to evaluate.”). Interim Counsel also faced experienced and skilled defense counsel from two major Michigan law firms, Warner Norcross and Cummings, McClorey, Davis & Acho. “The ability of [counsel] to negotiate a favorable settlement in the face of formidable legal opposition further evidences the reasonableness of the fee award requested.” *In re Delphi*, 248 FRD at 504.

Interim Counsel have significant experience litigating class actions of similar size, scope, and complexity as here: Attorneys Ellison and Gronda pioneered surplus-proceeds claims such as these and have been leading civil rights attorneys in this District. As Judge Leitman of the Eastern District of Michigan has recognized them as being “within the upper echelon of the plaintiff’s civil rights bar in Michigan....” *Freed v. Thomas*, No. 17-cv-13519, 2026 LX 139737, at \*24 (E.D. Mich. Mar. 20, 2026). Attorney Ellison is co-Interim Class Counsel in *Fox v. Saginaw County* as well as counsel in *Freed v. Thomas*, the first federal case on tax equity that helped bring clarity and

force to surplus-proceeds takings claims within the Sixth Circuit, and is also counsel of record in *Pung v. Isabella County*, where he presented argument before the United States Supreme Court in February 2026 on the scope of just compensation in the tax-foreclosure context. Those cases did not simply follow existing doctrine—they shaped it. They pressed the argument that the Constitution measures compensation by what was taken, not by what the government chooses to return after the fact. That principle now governs this case.

The significance of that work is not academic. When this case began, the Counties’ position—that surplus equity could be retained without compensation—was enforced. Today, that position is now abandoned. See M.C.L. § 211.78t. That shift did not occur voluntarily. It was litigated into existence through cases like *Freed*, *Pung*, and this one. The settlement before this Court reflects the downstream effect of that advocacy. It is not merely a negotiated compromise; it is the implementation of a constitutional rule that counsel helped secure. That legal pedigree matters in the fee analysis because it confirms that the result achieved here is not accidental—it is the product of specialized, high-level constitutional litigation brought to bear on a systemic problem by able counsel.

**F. The value of the legal services.**

The final factor considers the value of the legal services performed on an hourly basis, also known as counsel's "lodestar." See *Isabel v. City of Memphis*, 404 F.3d 404, 415 (6th Cir. 2005). However, as previously discussed, in this case the percentage method, not the lodestar method, is appropriate, rendering this factor immaterial. See *In re Flint Water Cases*, 583 F. Supp. 3d 911, 953 (E.D. Mich. 2022); *Blasi v. United Debt Servs., LLC*, 2019 WL 6050963, at \*9 n. 2 (S.D. Ohio Nov. 15, 2019); *Dillow v. Home Care Network, Inc.*, 2018 WL 4776977, at \*6 (S.D. Ohio Oct. 3, 2018); *Rikos v. Proctor & Gamble Co.*, 2018 WL 2009681, at \*10 (S.D. Ohio Apr. 30, 2018) (citing *Gascho v. Global Fitness Holdings, LLC*, 822 F.3d 269, 279 (6th Cir. 2016)); *In re Delphi*, 248 F.R.D. at 503.

Here, Interim Counsel's extensive work is reflected in the record and the result achieved. Indeed, the fee sought will be far below the value of Interim Counsel's and affiliated counsel's time at their customary rates. See *Freed*, No. 17-cv-13519, 2026 LX 139737.

### **NON-TAXABLE COSTS**

In addition to attorneys' fees, Interim Class Counsel seeks reimbursement of \$25,000 in costs between this case and *Fox*. Courts routinely award such costs in common fund cases as part of the overall compensation for creating a benefit for the class. To the extent that any are

incurred as part of the class administration, such a request for reimbursement is modest and appropriate.

### **CONCLUSION**

This case did more than resolve individual claims. It contributed to a broader correction in the law governing tax foreclosure practices. The principle that the government may not destroy equity and retain surplus proceeds is now firmly established, but that was not always so. The litigation helped bring that principle into alignment with constitutional requirements. And constitutional rights are meaningful only to the extent they are enforced. Without counsel like the undersigned willing to undertake the risk and burden of such cases, systemic violations can persist unchecked. Fee awards in these cases serve not only to compensate counsel, but to ensure that similar cases will be brought in the future.

The Court's role in this context is not limited to evaluating the reasonableness of a particular fee. It includes recognizing the function that such litigation serves in maintaining constitutional boundaries. A reasonable fee award reinforces that function. Counsel invested time, resources, and expertise over an extended period with no assurance of recovery. But the ability to translate a complex legal dispute into an effective and administrable

class-wide resolution is a hallmark of skilled advocacy. That quality supports the reasonableness of the fee.

This case began with a constitutional violation that stripped property owners of their equity and provided no mechanism for return. It ends with a settlement that restores that equity and enforces the constitutional requirement of just compensation. Interim Class Counsel carried that case from uncertainty to resolution. They did so at substantial risk, over an extended period, and in a manner that directly benefits the class. The fee requested is below market, tied to actual recovery, and aligned with the interests of the class.

The Constitution required compensation. This litigation secured it. This settlement does something rare in class litigation: it makes claimants whole. After fees, participating class members generally receive the full amount of the surplus proceeds taken. The requested fee reflects that serious achievement. The motion should be granted.

### **RELIEF**

WHEREFORE, Interim Counsel respectfully requests the Court grant the motion in full.

Date: May 1, 2026

RESPECTFULLY SUBMITTED:

/s/ Philip L. Ellison

Philip L. Ellison (P74117)

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/s/ Matthew E. Gronda

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*Interim Class Counsel*

## CERTIFICATE OF SERVICE

I hereby certify that on the date stated below, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notice of and a copy of such filing to counsel of record at their email address(es) of record.

Date: May 1, 2026

RESPECTFULLY SUBMITTED:

/s/ Philip L. Ellison

Philip L. Ellison (P74117)

**OUTSIDE LEGAL COUNSEL PLC**

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Hemlock, MI 48626

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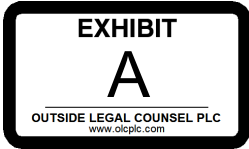
pellison@olcplc.com

*Interim Class Counsel*

**INDEX OF EXHIBITS**

Ellison Declaration ..... Exhibit A

Gronda Declaration..... Exhibit B



**UNITED STATES DISTRICT COURT  
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Hon. David M. Lawson

v.

COUNTY OF CHEBOYGAN and  
COUNTY OF MONROE,  
Defendants

\_\_\_\_\_ /

**DECLARATION OF PHILIP L. ELLISON**

Philip L. Ellison, hereby declares, as follows:

1. I am the owner and an attorney with Outside Legal Counsel PLC, a private law firm based in Hemlock, Michigan. I have practiced law for over fifteen years.

2. My practice is statewide and focuses on complex civil litigation, with an emphasis on property rights and civil rights.

3. I regularly undertake complex, difficult, and politically sensitive cases, including matters that are often unpopular with government actors or officials in positions of authority.

4. I am admitted to practice in Michigan state trial and appellate courts, the United States District Courts for the Eastern and Western Districts of Michigan, the United States Court of Appeals for the Sixth Circuit, the United States Court of Federal Claims, and the United States Supreme Court.

5. My work has been recognized as a state leader in the field of civil rights litigation. Judge Matthew Leitman has recently described my practice as being “within the upper echelon of the plaintiff’s civil rights bar in

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Michigan.” *Freed v. Thomas*, No. 17-cv-13519, 2026 LX 139737, at \*24 (E.D. Mich. Mar. 20, 2026).

6. In 2026, I appeared before the United States Supreme Court in *Pung v. Isabella County* (No. 25-95), a case challenging Michigan’s tax foreclosure practices; that decision remains pending. I have also appeared before the United States Supreme Court in *Michigan v. Beck* (No. 19-564) and *Lindke v. Freed* (No. 22-611).

7. I have extensive appellate experience before the United States Court of Appeals for the Sixth Circuit, including fully briefing and arguing numerous cases, several of which resulted in published decisions.:

25-1656	<i>Generis Ent., LLC v. Donley</i>	2026 US App LEXIS 5197
25-1682	<i>Hendershot v. Stanton</i>	162 F.4th 625
23-1942	<i>Mockeridge v. Harvey</i>	149 F.4th 826
24-1278	<i>Novak v. Federspiel</i>	140 F.4th 815
24-1170	<i>Freed v. Thomas (Freed III)</i>	137 F.4th 552
22-1919	<i>Pung v. Isabella County</i>	2025 US App LEXIS 2149
21-1108	<i>Fox v. County of Saginaw</i>	2022 WL 523023
21-2977	<i>Lindke v Freed (On Remand)</i>	114 F.4th 812
18-2312	<i>Freed v. Thomas</i>	976 F.3d 729
20-1538	<i>Taylor v. City of Saginaw (Taylor II)</i>	11 F.4th 483
19-1226	<i>Rudd v. City of Norton Shores</i>	977 F.3d 503
19-1208	<i>Taylor v. City of Saginaw (Taylor I)</i>	922 F.3d 328
17-2169	<i>Meyers v. Village of Oxford</i>	739 Fed. App’x. 336
18-1896	<i>Kanuszewski v. MDHHS</i>	927 F.3d 396
17-2519	<i>Johnson v. Morales</i>	946 F.3d 911
19-1208	<i>Johnson v. City of Saginaw</i>	980 F.3d 497

8. The Michigan Supreme Court has granted me leave, and leave to my firm, to appear as amicus curiae in significant cases, including:

- *Coalition Protecting Auto No-Fault v. Mich. Catastrophic Claims Ass’n*, 890 N.W.2d 107 (Mich. 2017); and
- *Speicher v. Columbia Twp. Bd. of Trustees*, 853 N.W.2d 379 (Mich. 2014).

9. I have also fully briefed and argued multiple cases before the Michigan Supreme Court, including matters in which leave was granted and merits decisions issued:

164557	<i>The Gym 24/7 Fitness LLC v State of Michigan</i>	MOAA Granted
163053	<i>James Twp. v. Rice</i>	509 Mich. 363
160012	<i>Ahmad v. Univ. of Michigan</i>	505 Mich 1
160646	<i>Twp. of James v. Rice</i>	941 NW2d 631
160991	<i>Twp. of Fraser v. Haney</i>	933 NW2d 42
158005	<i>Maniaci v. Diroff</i>	505 Mich 1
152934	<i>People v. Beck</i>	504 Mich 605
155398	<i>T.M. v. M.Z.</i>	501 Mich 312
147333	<i>Porter v. Hill</i>	495 Mich 987
151520	<i>Bitterman v. Bolf</i>	499 Mich 904
152519	<i>Fowler v. Menard, Inc,</i>	897 NW2d 166
158005	<i>Maniaci v. Diroff</i>	898 NW2d 585
151835	<i>Wenners v. Chisolm</i>	496 Mich 854
154209	<i>Cramer v. Village of Oakley</i>	892 NW2d 371
151417	<i>LaFave v. Ionia Cnty. Rd. Comm'n</i>	498 Mich 967
155863	<i>Jones Fam Trust v. Sag. Cnty. Landbank Auth'y</i>	918 NW2d 808

10. I have successfully litigated numerous cases before the Michigan Court of Appeals, including published decisions that have altered Michigan law, including:

374801	<i>Hassan M. Ahmad v. Univ. of Mich.</i>	2026 WL 407655
368834	<i>Fraser Twp v. Haney</i>	__ Mich App __ (2025)
329190	<i>T.M. v. M.Z.</i>	326 Mich App 227
318623	<i>Arabo v. Mich Gaming Control Bd.</i>	310 Mich App 370
320984	<i>Bitterman v. Village of Oakley</i>	309 Mich App 53
344091	<i>Ellison v. Dep't of State</i>	320 Mich App 169
334886	<i>Zoran v. Twp. of Cottrellville</i>	322 Mich App 470

11. I have been appointed class counsel or co-class counsel in multiple class actions involving similar constitutional claims as those in this case, including:

- *Zettel v. County of Charlevoix*
- *Arkona LLC v. County of Cheboygan*
- *Rafaeli v. County of Oakland*
- *Hathon v. State of Michigan*

I have prosecuted other class actions involving thousands of class members through final judgment or settlement, including the warrantless tire-chalking litigation (*Taylor v. City of Saginaw*; *Yannotti v. City of Ann Arbor*). I currently have additional class actions pending in both state and federal courts.

12. From 2021 through 2026, I have been selected as a Super Lawyer. I was also named one of Michigan Lawyers Weekly's "Up and Coming Lawyers" in 2014.

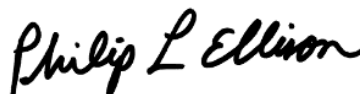
13. I have testified before committees of the Michigan Legislature regarding proposed statutory amendments that resulted in changes to Michigan law.

14. I previously served as an adjunct lecturer/professor of law at Saginaw Valley State University.

15. I hold a Master of Business Administration from Central Michigan University, and I graduated cum laude with a Bachelor of Science in Business Administration from Lake Superior State University. I earned my Juris Doctor from Michigan State University College of Law, where I served as co-editor-in-chief of a law journal.

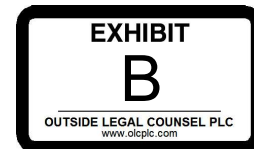
16. I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 1, 2026



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Philip L. Ellison



**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
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ARKONA, LLC and DIANNE KASBOB, on  
behalf of themselves and all those similarly  
situated,

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Plaintiffs,

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Defendants.

\_\_\_\_\_ /

**DECLARATION OF MATTHEW E. GRONDA**

Matthew E. Gronda, hereby declares, as follows:

1. I am the attorney-owner of Gronda PLC, a private law firm located in Saginaw, Michigan, and have been practicing law approximately 16 years.
2. I am admitted to practice law before the following courts:
  - a. Supreme Court of the State of Michigan (Admitted 2010);
  - b. United States District Court for the Eastern District of Michigan (Admitted 2011);
  - c. United States District Court for the Western District of Michigan (Admitted 2012);
  - d. United States Court of Appeals in the Sixth Circuit (Admitted 2019); and
  - e. United States Supreme Court (Admitted 2020).
3. In each of the above-listed courts, I am a member of the bar in good standing.

4. My litigation practice is focused heavily on matters involving vindication of civil rights, particularly through use of the class action procedural device.

5. Recently, I served or am serving as co-lead counsel in the following litigation:

A. *Hathon, et al v. State of Michigan*, Mich. C.C. No. 19-000023-MZ  
Appointed Co-Lead Class Counsel (2019)

B. *Zettel, et al v. County of Charlevoix*, Charlevoix Co. Cir. No. 18-0591-26-CZ  
Appointed Co-Lead Class Counsel (2020)

C. *Arkona LLC, et al v. County of Cheboygan, et al*, E.D. Mich. No. 19-cv-12372  
Appointed Co-Lead Class Counsel (2022)

D. *Taylor v. City of Saginaw, et al*, E.D. Mich. No. 17-cv-11067  
Appointed Co-Lead Class Counsel (2022)

E. *Bowles, et al v. Sabree, et al*, E.D. Mich. No. 20-cv-12838  
Appointed Co-Lead Class Counsel (Wayne County) (2022)

F. *Bowles, et al v. Sabree, et al*, E.D. Mich. No. 23-cv-10973  
Appointed Co-Lead Class Counsel (Oakland County) (2022)

G. *Yannotti v. City of Ann Arbor*, E.D. Mich. No. 22-cv-12147  
Appointed Co-Lead Class Counsel (2025)

6. Recently, I served or am serving as class counsel in many additional certified and putative class actions, including *Fox v County of Saginaw; et al*, E. D. Michigan case number 19-cv-11887.

7. While serving as co-lead counsel or as class counsel, I have resolved or am in the process of obtaining more than \$100,000,000 in recovery for plaintiff class members.

8. In individual matters, I have extensive experience in state and federal trial and appellate courts to include filings before both the Michigan Supreme Court and United States Supreme Court.

9. I have received recognition for my professional achievements, including being honored as a Rising Star and Super Lawyer by Michigan Super Lawyers Magazine in 2020, 2021, 2022, 2023, 2024, 2025, 2026 in the practice area of mass torts and class actions.

10. Under 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Date: May 1, 2026

A handwritten signature in black ink that reads "Matthew E. Gronda". The signature is written in a cursive style and is positioned above a horizontal line.

MATTHEW E. GRONDA (P73693)  
Attorney for Plaintiffs and the Putative  
Class  
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