

**STATE OF MICHIGAN
IN THE 17TH JUDICIAL CIRCUIT COURT FOR KENT COUNTY
CIVIL DIVISION**

**MICHIGAN OPEN CARRY, INC.; and,
MICHIGAN GUN OWNERS, INC.;**

Plaintiffs,

v.

DOCKET NO. 2016-_____-CZ
HON. _____

**GRAND RAPIDS-KENT COUNTY
CONVENTION ARENA AUTHORITY; and,
SMG HOLDINGS, INC., a foreign corporation**

Defendants.

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

VERIFIED COMPLAINT FOR DECLARATORY RELIEF

Parties, Jurisdiction, Venue

1. Plaintiff Michigan Open Carry, Inc. [hereinafter "MOC"] is a Michigan not-for-profit advocacy organization created under the Nonprofit Corporation Act of 1982 that supports the lawful carry of handguns. MOC provides written material for the use of its members,

municipalities, and law enforcement that outlines the laws associated with open carrying of handguns, and offers seminars on the topic. MOC has a presence in Kent County, and represents the interests of its member(s) having an actual case or controversy and interest in preventing reoccurrence of the same issue as raised in this complaint.

2. Plaintiff Michigan Gun Owners, Inc. [hereinafter “MGO”] is a Michigan nonprofit organization created under the Michigan Nonprofit Corporation Act (Act 162 of 1982). MGO’s 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 Kent County and represents the interests of its member(s) having a case or controversy and preventing the occurrence.

3. Defendant Grand Rapids-Kent County Convention/Arena Authority [hereinafter “CAA”] is the seven-member board that administers Van Andel Arena, DeVos Place and DeVos Performance Hall; all located within Kent County.

4. The CAA was established on March 29, 2000 by the City of Grand Rapids and County of Kent under the Convention Facility Authority Act, Act 203 of the Public Acts of Michigan of 1999; a local unit of government pursuant to MCL 123.1101(a); MCL 169.209(7), and other statutes.

5. Defendant SMG Holdings, Inc. [hereinafter “SMG”] is a public facility management corporation employed by CAA to manage CAA’s facilities including DeVos Place, DeVos Performance Hall and Van Andel Arena.

6. This action arises out of an incident occurring at the DeVos Place facility on or about Friday, March 11, 2016.

7. Venue is proper in Kent County.

8. This Court has jurisdiction pursuant to MCR 2.605(A)(2).
9. An actual and justiciable controversy exists between the parties.
10. A present adjudication of the controversy is necessary to guide the Plaintiffs' future conduct and preserve legal rights.
11. Declaratory relief will avoid a multiplicity of actions at law and will avoid potential conflicts between the parties.

Allegations

12. On Friday March 11th, 2016, the 2016 West Michigan Women's Expo was hosted by the DeVos Place.
13. Upon information and belief, Kohler Expos, Inc. leased the DeVos Place from CAA for the event.
14. The event was scheduled to be open from Friday, March 11 from 10:00 a.m. to 8:00 p.m.; Saturday, March 12 from 10:00 a.m. to 8:00 p.m., and Sunday, March 13 from 11:00 a.m. to 5:00 p.m.
15. MGO and/or MOC reserved and leased an exhibitor's table through Kohler Expos, Inc. who charged a fee and granted a license for MGO and MOC to exhibit during the event.
16. Representatives of MGO and MOC attended the event on March 11, 2016.
17. The purpose of the exhibit by MGO and MOC was to inform attendees about options for personal defense.
18. MGO and MOC exhibitors were demonstrably armed while present at the exhibit with lawfully-possessed and holstered pistols.
19. After manning the table for half of the first day of the event, a representative of

SMG notified the MGO and MOC exhibitors that they were in violation of a policy that forbids possession of all firearms on the premises and that they must be removed from the public facility.

20. SMG's representative threatened the exhibitors with charges of criminal trespass if they didn't remove their pistols or otherwise immediately leave the premises.

21. SMG is an agent of CAA.

22. As a result of the threats of SMG, representatives of MOC and/or MGO were forced to leave the premises or surrender their rights to possess firearms.

23. CAA's websites for its properties now include the following admonishment: "Weapons Prohibited. Weapons include, but are not limited to, the following: firearms, explosives, stun guns, handcuffs, brass knuckles, sticks, clubs, batons, martial arts instruments, pepper spray, tear gas, knives, etc. Guests found in possession of the above-mentioned items will be asked to remove the item from the arena or dispose of it. Guests who refuse to comply will be ejected from the arena and may be subject to arrest."

24. Plaintiffs were denied use of their license to exhibit at the event with firearms.

25. Plaintiffs were in compliance with Michigan Law at all times pertinent.

26. The threat of criminal trespass and forcible expulsion from the premises was unlawful.

27. CAA's firearm ban is preempted by State statutes and established case law. MCL 123.1101(a) and MCL 123.1102. See also *Capital Area District Library v Michigan Open Carry, Inc.*, 298 Mich App 220 (2013).

28. Like Plaintiffs, the members of Plaintiffs MGO and MOC are similarly situated.

Relief Requested

29. WHEREFORE, Plaintiffs respectfully request this Honorable Court grant the following relief:

30. GRANT a declaratory order that the CAA and /or its agent, SMG, is not allowed to bar lawfully possessed firearms from CAA properties.

31. GRANT Plaintiffs a declaratory order enjoining CAA and SMG from enforcing its invalid attempt at firearm legislation/regulation which is preempted by State Law;

32. GRANT Plaintiffs an order compelling a full and complete refund of the exhibitor fees;

33. GRANT Plaintiffs their costs and attorney’s fees; and,

34. GRANT such other equitable relief as the court deems necessary and just.

I have reviewed the contents of this Complaint for accuracy, and I state that the allegations contained herein are accurate to the best of my knowledge, information and belief.

by: _____,

by: _____,

Respectfully Submitted,

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