

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Michigan Paralyzed Veterans of  
America, Inc. (MPVA) et al.,

Plaintiffs,

Case No. 15-13046

Hon. Paul D. Borman  
Maj. Mona K. Majzoub

v.

Michigan Department of Transportation (MDOT);  
Washtenaw County Road Commission (WCRC);  
Pittsfield Charter Township; and Ypsilanti Charter  
Township,

Defendants.

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**NOTICE OF CONSTITUTIONAL QUESTION**

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Attorney General

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Dated: June 23, 2017

**NOTICE**

Pursuant to Federal Rule of Civil Procedure 5.1, Defendant Michigan Department of Transportation (MDOT) hereby gives notice to the Attorney General of the United States that MDOT has raised a constitutional question in the above-captioned case, to wit:

**Whether Congress properly abrogated the States' Eleventh Amendment immunity with respect to facilities in the public right of way when it promulgated the rights and remedies of Title II of the Americans With Disabilities Act, 42 U.S.C. § 12131 *et seq.***

This question is raised through MDOT's Motion to Dismiss (Doc. # 85).

Respectfully submitted,

Bill Schuette  
Attorney General

/s/Michael J. Dittenber (P72238)  
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**CERTIFICATE OF SERVICE (e-file)**

I hereby certify that on June 23, 2017, I electronically filed the above document with the Clerk of the Court using the ECF System, which will provide electronic copies to counsel of record, and mailed a copy of the above document and MDOT's Motion to Dismiss (Doc. # 85), together with the accompanying brief and exhibits, to the United States Attorney General, by certified mail, return receipt requested, at U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530-0001.

/s/ Michael J. Dittenber  
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