

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.

NOTICE OF CONSTITUTIONAL QUESTION

Bill Schuette
Attorney General

John L. A. Tuttle (P80804)
Michael J. Dittenber (P72238)
Assistant Attorneys General
Attorneys for Defendant
Transportation Division
425 W. Ottawa Street
Lansing, MI 48913
(517) 373-1470
TuttleJ2@michigan.gov
DittenberM@michigan.gov

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)
John L. A. Tuttle (P80804)
Assistant Attorneys General
Attorneys for Defendant
Transportation Division
425 W. Ottawa Street, 4th Floor
Lansing, MI 48913
(517) 373-1470

Dated: June 23, 2017

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
Assistant Attorney General
Attorney for Defendant
Transportation Division
425 W. Ottawa Street, 4th Floor
Lansing, MI 48913
(517) 373-1470
Dittenberm@michigan.gov
(P72238)

Dated: June 23, 2017