

**STATE OF MICHIGAN
IN THE SUPREME COURT**

**Associated Builders and Contractors of
Michigan, National Federation of
Independent Business, Inc., Senator Edward
McBroom in his official capacity,
Representative Dale Zorn, in his official
capacity, Rodney Davies, Kimberley Davies,
Owen Pyle, William Lubaway, Barbara
Carter, and Ross VanderKlok**

Plaintiffs/Appellants,

v.

**Treasurer of Michigan, Rachael Eubanks, in
her official capacity**

Defendant/Appellee

Supreme Court No. 166595

Court of Appeals No. 369314

Court of Claims Case No.: 23-000120-MB

ORAL ARGUMENT REQUESTED

**THIS CASE INVOLVES AN INVALID
EXECUTIVE ACTION UNDER MCR
7.204(D)(3)(c)**

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PLAINTIFFS/APPELLANTS' NOTICE OF BYPASS APPLICATION

1. Plaintiffs Associated Builders and Contractors of Michigan, National Federation of Independent Business, Inc., Senator Edward McBroom in his official capacity, Representative Dale Zorn, in his official capacity, Rodney Davies, Kimberley Davies, Owen Pyle, William Lubaway, Barbara Carter, and Ross VanderKlok claim an appeal from a final judgement or final order entered on December 21, 2023, in the Court of Claims by Judge Elizabeth L. Gleicher.
2. The case was decided on dispositive motions and no transcript was made.
3. This case involves a challenge to Treasurer Eubank's announcement that the income tax rate from 2023 that was determined to be 4.05% after an application of the formula from MCL 206.51(1)(c) reverts to 4.25% for the application of that formula for tax year 2024. The principal types of relief sought are declaratory and mandamus.
4. On January 23, 2024, Plaintiffs filed a motion for bypass and an accompanying brief in the Michigan Supreme Court. The case was assigned the Supreme Court case number of 166595.
5. Pursuant to MCR 7.305(A)(3), a copy of Plaintiffs' application and brief was served on all other parties. Plaintiff now files this notice with both the Court of Appeals and the Court of Claims in compliance with that rule.

Date: January 23, 2024

/s/ Patrick J. Wright

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