

Communities can file sewage suit

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(O&E)

By Tim Richard
staff writer

It took four federal judges 19 months to decide that Oakland and Macomb counties lack legal "standing" to sue for millions of dollars of rebates from the city of Detroit over its sewerage system.

But the case has hardly begun, says Robert H. Fredericks, deputy Oakland County drain commissioner.

"I think the judge is wrong, and there's a rule under which we can petition for a rehearing," said Fredericks, an attorney.

"Meanwhile, we can just modify the pleadings" to make suburban cities and townships the plaintiffs, he said.

FEDERAL JUDGE Richard Suhrheinrich, on the bench less than a

Judge says Oakland County has no legal standing to sue Detroit

year after a successful private practice, last week dismissed the Oakland-Macomb complaint.

But Suhrheinrich suggested cities and townships have "sufficient incentive" to do so.

"The problem," said Fredericks, "is that he didn't hear oral arguments. He had no hearing on the facts."

"We (suburban customers) had discussed who should be the plaintiffs. In reality, there is little distinction between the counties and municipalities. The case law suggested the counties (should file the suit)."

THE COUNTIES filed their suit in May of 1984. In a blind draw, it was assigned to Judge George Woods.

But chief Judge John Feikens, who handled the original U.S. Environmental Protection Agency suit against Detroit's sewage treatment plant in the mid-'70s, decided to take it over.

Then in an interview with the Detroit Free Press last year, Feikens made remarks intended to be pro-Detroit, but which black politicians charged were condescending to their race. In the resulting furor, Feikens withdrew from the case.

In another blind draw, the suit went to Judge Philip Pratt, who was under consideration for the U.S. Court of Appeals. Pratt backed away, and it was assigned to Suhrheinrich, whose private law specialty had been medical

malpractice.

GEORGE KUHN, Oakland County drain commissioner, and Thomas Welsh, Macomb County public works commissioner, filed the suit in the wake of the Vista Disposal Co. bribery scandal.

Charles Beckman, then Detroit water and sewerage director, and four executives of sludge-bailing firms were convicted on federal charges of racketeering, conspiracy, extortion and bribery. Sludge is the solid remains of sewage after it has been treated and dried.

The Kuhn-Welsh suit charges Detroit Mayor Coleman Young, Beckman, Welsh and its principals with racketeering and overcharging (at \$57 a ton) its suburban customers. Detroit sells sewage treatment services to 73 suburban communities.

Fredericks noted Detroit officials have never replied directly to the suburban charges, filing a flurry of motions saying the counties lacked legal standing.

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Comerica gives up acquisition attempt

Comerica Inc. has given up its attempt to acquire Michigan National Corp. and form one of the state's largest bank holding companies.

Comerica this week withdrew its application with the Federal Reserve Board for authorization to acquire Michigan National.

"We have already invested a year in this undertaking," said Donald R. Mandich, chairman.

"Faced with the prospect of protracted litigation that would be necessary to nullify defensive measures adopted by Michigan National, and the significant commitment of management time involved, we have concluded that it is not in the best interests of our company to proceed."

Michigan National Chairman Robert

J. Mylod announced he was "pleased" Comerica withdrew its application, saying the acquisition "is not in the best interest of either banking institution."

Comerica formally proposed a merger in a mid-January 1984 offer to Michigan National's board of directors. Michigan National's board rejected the offer and on July 10 adopted measures to defend against a takeover.

On July 11, Comerica withdrew its offer and said it was reassessing its position in view of these circumstances.

Mandich said Comerica also has ended agreements, conditioned upon completion of its merger with Michigan National, to sell its banks in Kalamazoo, Battle Creek and Jackson to Old Kent Financial Corp.

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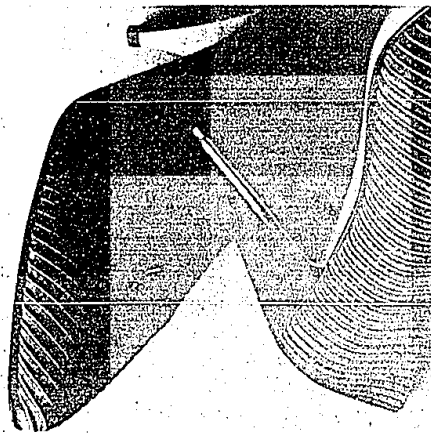
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