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STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

DON'T DRILL THE HILLS, INC.,
a Michigan nonprofit corporation,

Plaintiff,

v

CITY OF ROCHESTER HILLS,
a Michigan municipal corporation, and
JORDAN DEVELOPMENT COMPANY, LLC,
a Michigan limited liability company,

Defendant.
_____/

Case No. 2014-140827-CH

Hon. James M. Alexander

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_____/

DEFENDANT CITY OF ROCHESTER HILLS' ANSWER TO COMPLAINT
AND
AFFIRMATIVE DEFENSES

Defendant City of Rochester Hills (hereinafter the "City"), through its City Attorneys, Hafeli Staran & Christ, P.C., answers the Complaint, as follows:

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1. Defendant City admits only that articles of incorporation for Plaintiff DDHI are on file with the State. Defendant City lacks knowledge or information sufficient to form a belief as to the truth of any other allegations made in Paragraph 1 of the Complaint relating to Plaintiff's lawful existence, purposes, membership and residency.

2. Admitted.

3. Defendant City admits only that Co-Defendant Jordan Development Company, LLC has entered into an oil and gas lease with Defendant City in Oakland County. Defendant City denies that Defendant Jordan Development Company, LLC is a Michigan corporation. Defendant City lacks knowledge or information sufficient to form a belief as to the truth of any other allegations made in Paragraph 3 of the Complaint relating to Jordan doing business and leasing property in Oakland County.

4. Defendant City admits only that the subject City Charter Amendment was initiated by citizens in 2011. Defendant City, however, lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations made in Paragraph 4 of the Complaint regarding the purported citizen organization or "SPACE".

5. Admitted.

6. Denied. Defendant City further submits that nowhere in Charter Sec. 11.8 is conservation and protection of the land and natural resources at parks mentioned or stated as a purpose of the Charter section.

7. Admitted.

8. Defendant City admits only that the subject resolution was adopted by the Rochester Hill's City Council on a 5-2 vote. Defendant City denies all other allegations expressed or implied in Paragraph 8 of the Complaint.

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9. Admitted. Defendant City submits further that voter approval was not required under the City Charter.

10. Admitted. Defendant City submits further that upon information and belief, no drilling is planned in Rochester Hills and that drilling on the City's property is expressly prohibited in the subject oil and gas lease.

11. Defendant City lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in Paragraph 11 of the Complaint.

12. Defendant City admits all allegations made in Paragraph 12 of the Complaint, except for the allegation that members of DDHI were present at the January 27, 2014 City Council meeting. Upon information and belief, DDHI did not exist on that date, nor have DDHI's members been identified by Plaintiff.

13. Defendant City lacks knowledge or information sufficient to form a belief as to the truth allegations made in Paragraph 13 of the Complaint concerning composition of membership of DDHI. Defendant City denies that members of DDHI will be impacted by any of the alleged "adverse environmental impacts" caused by the proposed oil and gas exploration and production any differently than the citizenry at large. Defendant City further submits that the alleged environmental impacts listed are speculative, have not occurred, and are not based in fact.

14. Admitted.

15. Admitted.

16. Admitted.

17. Denied as untrue and incorrect.

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18. Admitted, but in further answer, Defendant City denies that Plaintiff is entitled to the requested declaratory relief.

19. Denied as untrue and incorrect.

20. Admitted.

COUNT I

21. Defendant City repeats its answers 1-20, above.

22. Denied as untrue and incorrect.

23. Denied as untrue and incorrect.

24. Denied as untrue and incorrect.

25. Denied as untrue and incorrect.

26. Denied as untrue and incorrect.

COUNT II

27. Defendant City repeats its answers 1-26, above.

28. Admitted.

29. Admitted.

30. Admitted.

31. Denied as untrue and incorrect.

32. Denied as untrue and incorrect.

WHEREFORE, Defendant City requests the Court to dismiss the Complaint, deny Plaintiff's request for relief, and award to Defendant City its costs and attorney fees and any other relief the Court deems appropriate.

AFFIRMATIVE DEFENSES

1. Plaintiff fails to state a claim upon which relief can be granted.

2. Plaintiff lacks standing to bring this action.

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3. Plaintiff's claims are not ripe.

4. Plaintiff's claims may be barred or limited by equitable defenses including but not limited to unclean hands, laches, estoppel or waiver.

5. Defendant City had no special or contractual relationship with Plaintiff or its purported members to support any claim made by Plaintiff against the Defendants.

6. Defendant City objects to any failure on Plaintiff's part to join every claim Plaintiff has against Defendants arising out of the transaction or occurrence, pursuant to MCR 2.203(A).

7. Defendant City reserves the right to raise such other affirmative defenses which may become known during the course of further proceedings in this case.

HAFELI STARAN & CHRIST, P.C.

By: /s/ John D. Staran
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Dated: June 12, 2014

PROOF OF SERVICE

On June 12, 2014 I electronically filed the foregoing Defendant City of Rochester Hills' Answer to Complaint and Affirmative Defenses with the Court via wiznet/odyssey file and serve which will send notification to all interested parties.

HAFELI STARAN & CHRIST, P.C.

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