

Case No. 26-1238

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**In The UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

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Michael D. Dalton, Jr.; Leah M. Dalton; Michael A. Deem

Plaintiffs-Appellants

**RECEIVED**

v.

MAR 11 2026

CHOICEONE BANK

KELLY L. STEPHENS, Clerk

Defendant-Appellee

---

**On Appeal From the United States District Court  
for the Western District of Michigan, Southern Division  
Case No. 1:26-cv-163  
U.S. Magistrate Judge Ray Kent**

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**PLAINTIFFS-APPELLANTS' EMERGENCY MOTION FOR  
INJUNCTION PENDING APPEAL AND TO EXPEDITE APPEAL**

Michael D. Dalton, Jr.  
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Stockbridge, MI 49285

Leah M. Dalton  
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Michael A. Deem  
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**PLAINTIFFS-APPELLANTS' DECLARATION IN SUPPORT OF  
EMERGENCY MOTION FOR INJUNCTION PENDING APPEAL  
AND TO EXPEDITE APPEAL**

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**DISCLOSURE STATEMENT**

In accordance with F.R.A.P. 26.1 and 6 Cir. R. 26.1, Plaintiffs-Appellants state that none is a subsidiary or affiliate of a publicly owned corporation, and no publicly owned corporation is a party to the appeal or has a financial interest in its outcome.

## **STATEMENT OF JURISDICTION**

“Appellate courts have jurisdiction to review interlocutory orders that have the practical effect of refusing an injunction.” *A. A. R. P. v. Trump*, 605 U.S. 91, 94 (2025) (internal quotations omitted); 28 U.S.C. §1292(a)(1). “[Here, as in *A. A. R. P. v. Trump*, the] district court’s inaction in the face of extreme urgency and a high risk of serious, [in fact] irreparable, consequences [did] have the effect of refusing an injunction.” *Id.*

## **INTRODUCTION**

Plaintiffs are successors to two federal land patents (FLPs) encompassing two separate and unique properties. They hold legal title to said properties. Plaintiffs had given Defendant’s alleged predecessor a mortgage for each property (equitable title). Plaintiffs defaulted on the mortgages and Defendant obtained Sheriff’s Deeds (equitable title) for said properties through non-judicial foreclosures. When the redemption period expired Defendant filed complaints seeking eviction of Plaintiffs through summary proceedings in state court. The summary proceedings were held in mixed courts of law and equity. However, pursuant to controlling precedent from the U.S. Supreme Court, Plaintiffs have a Seventh Amendment right to a common law trial by jury to vindicate their superior legal titles. That right was flatly denied to them by operation of Michigan’s statutory framework.

In addition, the Michigan Legislature has abrogated the common law right of ejectment, as well as the ancient equitable claim to quiet “legal” title, where equity comes in the aid of law to prevent equitable titles from collaterally attacking legal titles (FLPs). This state statutory framework violates blackletter federal statutory law, and Michigan’s ordinance which it voluntarily passed as a condition of entering the Union, to “never interfere with the primary disposal of the soil within [Michigan] by the United States.”

Worse, Plaintiffs were not even named as parties in one of the summary proceedings.

Federal court is the only forum available to Plaintiffs to vindicate their federal constitutional and statutory rights, via claims to quiet “legal” title, or in the alternative, to determine the nature of the interest passed by the federal government to the original patentees of both properties, which Plaintiffs are successors to.

Defendant refused to stay Plaintiffs’ eviction from each of the properties pending resolution of the matters in federal court. Plaintiffs filed motions for a “TRO / Preliminary Injunction” to stay the evictions from each property. The district court denied the TROs and set briefing schedules for the preliminary injunctions with a total time of 42 days to complete each briefing. In the interim, Defendant evicted Plaintiffs from both properties.

Plaintiffs continue to suffer irreparable harm in two ways: (1) being denied their Seventh Amendment common law right to a trial by jury in which to defend against Defendant's collateral attack of their FLPs; and (2) being unlawfully evicted from each of their two unique properties. The district court effectively denied Plaintiffs' motions for preliminary injunctions by failing or refusing to act expeditiously on Plaintiffs' motions.

### **RELIEF REQUESTED**

Plaintiffs-Appellants respectfully request, pursuant to F.R.A.P. 8(2) and 6 Cir. R. 27(f), that this court expedite this appeal and issue an injunction restoring Plaintiffs to possession of both properties, 305 W. Elizabeth Street, Stockbridge, Michigan (School) and 3468 Catholic Church Road, Stockbridge, Michigan (Home), as soon as possible, effective until final resolution on the merits and all appeals are exhausted.

### **BACKGROUND**

#### **I. Operative Facts**

There are six operative events for each property. The sequence of those events are below, with the three operative events for Plaintiffs in bold, and the three operative events for Defendant indented to the right. Depicting the operative facts in this manner demonstrates how the state summary proceedings did not even consider Plaintiffs' unassailable legal titles.

- 1) **FLPs issued to original patentees encompassing each property, and establishing “forever” benefits in the patentees and their assigns.**
- 2) **Warrant Deeds conveying each property, and all the rights granted to the original patentees, to either L&M or Plaintiffs. *See Klais v. Danowski*, 373 Mich. 262, 277 (1964).**
  - 3) Mortgages (equitable title) granted from either L&M or Plaintiffs to Defendant’s alleged predecessor.
- 4) **Quit Claim Deeds conveying each property to Plaintiffs.**
  - 5) Non-judicial foreclosures against L&M and Plaintiffs resulting in Sheriff’s Deeds to Defendant, premised on Event 3 which completely ignored Events 1 and 2.
  - 6) State court summary eviction proceedings against L&M and Plaintiffs premised on Events 3 and 5, which denied Plaintiffs their Seventh Amendment right to a common law trial by jury in which to address Events 1, 2 and 4, and protect their superior legal titles.

In *Klais*, the Michigan Supreme Court effectively held that Plaintiffs now own through each chain of title,

the said tract[s]: TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said [patentees] **and to his heirs and assigns forever.**

(capital emphasis in originals, bold emphasis added).

At one time recognition of those rights and the superiority of title in a FLP was orthodoxy. The U.S. Supreme Court has recognized that superiority in myriad decisions, all of which are still good law. *See, e.g. Bosse v. Oklahoma*, 580 U.S. 1, 3 (2016) (“[I]t is this Court’s prerogative alone to overrule one of its precedents.”).

## **II. The Litigation**

Plaintiffs filed this lawsuit on January 15 (R. 1). On January 30 (R. 10, 12-14, 17), Plaintiffs filed an emergency motion for partial summary judgment. On February 2 (R. 16), Plaintiffs filed an emergency motion for “TRO / Preliminary Injunction” to stay the eviction of Plaintiffs from School. On February 6 (R. 19), the District Court entered an order denying Plaintiffs’ request for a TRO, and entered a briefing schedule for R. 10 and 16. On February 16 (R. 43, P134), Plaintiffs were evicted from School. On February 17 (R. 29-30), Plaintiffs filed an emergency motion for “TRO / Preliminary Injunction” to put Plaintiffs back in possession of School. On February 17 (R. 31-32), Plaintiffs also filed an emergency motion for “TRO / Preliminary Injunction” to stay the eviction of Plaintiffs from Home. On February 20 (R. 37), the District Court entered an order denying second and third requests for emergency TROs, and entered a second briefing schedule for R. 29 and 31, Plaintiffs’ second and third requests for preliminary injunctions. On March 3 (R. 45), Plaintiffs filed a notice of appeal for the two orders (R. 19, 37), that effectively denied their motions for preliminary injunctions. On March 4, Plaintiffs were evicted from Home.

## ARGUMENT

### **I. This Court Should Grant Plaintiffs An Injunction Pending Appeal**

“[This Court] consider[s] four factors in determining whether a preliminary injunction should issue: (1) [] likelihood of success on the merits; (2) [] irreparabl[e] injur[y] absent an injunction; (3) harm [to] other parties to the litigation; and (4) the public interest.” *Vitolo v. Guzman*, 999 F.3d 353, 360 (2021). “In constitutional cases, the first factor is typically dispositive.” *Id.* “That’s because when constitutional rights are threatened or impaired, irreparable injury is presumed.” *Id.* “And no cognizable harm results from stopping unconstitutional conduct, so it is always in the public interest to prevent violation of a party’s constitutional rights.” *Id.* “[This Court] thus focus[es its] analysis on the plaintiffs’ likelihood of success on the merits.” *Id.*

#### **A. Plaintiffs Will Succeed On The Merits**

“To show a strong likelihood of success on the merits, [Plaintiffs] must show more than a mere possibility of success. *Churchill Downs Tech. Initiatives Co. v. Michigan Gaming Control Bd.*, 767 F. Supp.3d 556, 579 (W.D. Mich.), *aff’d*, 162 F.4th 631 (6th Cir. 2025). “However, [Plaintiffs are] not required to prove [their] case in full to obtain a preliminary injunction.” *Id.* “It is ordinarily sufficient if the plaintiff has raised questions going to the merits so serious, substantial, difficult,

and doubtful as to make them a fair ground for litigation and thus for more deliberate investigation.” *Id.*

To prove their claim to quiet “legal” title in the subject properties, Plaintiffs must demonstrate they are in possession of the property and have superior legal title. *See, e.g. Frost v. Spitley*, 121 U.S. 552, 556 (1887) (Argument, I(A)(3), *infra*); also *Dick v. Foraker*, 155 U.S. 404, 414 (1894) (same). Plaintiffs had done so in their motions for “TRO / Preliminary Injunctions.”

Plaintiffs will in fact succeed on the merits because all controlling U.S. Supreme Court precedence is uniform in the supremacy of FLPs. For example, in *Wilcox v. Jackson*, the U.S. Supreme Court held, “[N]othing but a patent passes a perfect and consummate title.” 38 U.S. 498, 516 (1839).

We hold the true principle to be this, that whenever the question in any Court, state or federal, is, whether a title to land which had once been the property of the United States has passed, that question must be resolved by the laws of the United States; but that whenever, according to those laws, the title shall have passed, then that property, like all other property in the state, is subject to state legislation; so far as that legislation is consistent with the admission that the title passed and vested according to the laws of the United States.

*Id.*, at 517.

Whether the issue at trial is a claim to quiet “legal” title, where Plaintiffs are put back into possession, or an action in ejectment, where Plaintiffs are out of possession, they will ultimately win because Defendant

does not have superior legal title for either property. Myriad authorities support Plaintiffs' position – some directly, others indirectly by exposing the procedures which enabled Defendant to collaterally attack Plaintiffs' FLPs and unlawfully take their properties.

**1. Federal Statutory Law Protects Plaintiffs' Possessory Interests In Each Property**

On June 15, 1836, the U.S. Congress passed, *An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union on certain conditions*. See 5 Stat. 49. Section 4 of said act provides in relevant part,

That nothing in this act contained, or in the administration of the said State into the Union as one of the United States of America upon an equal footing with the original States in all respects whatever, shall be so construed or understood as to confer upon the people, Legislature, or other authorities of the said State of Michigan, any authority to interfere with the sale by the United States, and under their authority, of the vacant and unsold lands within the limits of the said State [].

On June 23, 1836, the U.S. Congress passed *An Act supplementary to the act entitled "An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union on certain conditions."* See 5 Stat. 59. Section 5 of said act provides in relevant part,

That the five foregoing propositions herein offered, are on the condition that the Legislature of the said State, by virtue of the powers conferred upon it by the convention which framed the constitution of the said State, shall provide, by an ordinance

irrevocable without the consent of the United States, that the said State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers thereof.

On January 26, 1837, the U.S. Congress passed *An Act to admit the State of Michigan into the Union, upon an equal footing with the original States*. See 5 Stat.

144. Section 5 of said act provides in relevant part,

Whereas, in pursuance of the act of Congress of June fifteenth, eighteenth hundred and thirty-six, entitled “*An act to establish the northern boundary of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed*,” a convention of delegates, elected by the people of the said State of Michigan, for the sole purpose of giving their assent to the boundaries of the said State of Michigan as described, declared, and established, in and by the said act, did, on the fifteenth of December, eighteen hundred and thirty-six, assent to the provisions of said act[.]

These statutes protect Plaintiffs’ possessory interests in their properties against the very statutory scheme Defendant used to unlawfully take them.

**2. Plaintiffs’ Have A Seventh Amendment Right To A Common Law Trial By Jury In Which To Defend Their Superior Legal Titles Against Defendant’s Collateral Attacks With Equitable Titles**

In *Fenn v. Holme*, the U.S. Supreme Court heard an appeal of “an attempt to assert at law and by a legal remedy a right to real property -- an action of ejectment to establish the right of possession in land.” 62 U.S. 481, 483 (1858). The *Fenn* court held,

That the plaintiff in ejectment must in all cases prove a legal title to the premises in himself, at the time of the demise laid in the declaration, and that evidence of an equitable estate will not be sufficient for a recovery, are principles so elementary and so familiar to the profession as to render unnecessary the citation of authority in support of them.

*Id.*, at 483.

[T]his court, in speaking of the seventh amendment of the Constitution, and of the state of public sentiment which demanded and produced that amendment, say: [] When, therefore, we find that the amendment requires that the right of trial by jury shall be preserved in suits at common law, the natural conclusion is, that the distinction was present in the minds of the framers of the amendment. By *common law*, they meant what the Constitution denominated in the 3d article LAW, not merely *suits* which the common law recognised among its old and settled proceedings, but suits in which *legal* rights were to be ascertained and determined, in contradistinction to those where *equitable rights* alone were recognised and equitable remedies administered. []

*Id.*, at 486 (emphasis in original).

A practice has prevailed in some of the States [] of permitting the action of ejectment to be maintained upon warrants for land, and upon other titles not complete or legal in their character, but this practice, as we so explicitly ruled in the case of *Bennett v. Butterworth*, [52 U.S. 669 (1850)] can in no wise affect the jurisdiction of the courts of the United States, who, both by the Constitution and by the acts of Congress, are required to observe the distinction between legal and equitable rights, and to enforce rules and principles of decision appropriate to each.

*Id.*, at 488

In *Hooper v. Scheimer*, the U.S. Supreme Court held,

Where land is purchased in the name of one person, with the funds of another, the legal estate is vested in the former. The latter

acquires only an equitable estate, [] and cannot assert it in an action of ejectment.

[]

It is also the settled doctrine of this Court that no action of ejectment will lie on such an equitable title, notwithstanding a state legislature may have provided otherwise by statute. The law is only binding on the state courts, and has no force in the circuit courts of the Union.

64 U.S. 235, 244 (1859).

In *Gibson v. Chouteau*, the U.S. Supreme Court held,

With respect to the public domain, the Constitution vests in Congress the power of disposition and of making all needful rules and regulations. That power is subject to no limitations. Congress has the absolute right to prescribe the times, the conditions, and the mode of transferring this property, or any part of it, and to designate the persons to whom the transfer shall be made. No State legislation can interfere with this right or embarrass its exercise; and to prevent the possibility of any attempted interference with it, a provision has been usually inserted in the compacts by which new States have been admitted into the Union, that such interference with the primary disposal of the soil of the United States shall never be made. Such provision was inserted in the act admitting Mi[chigan (5 Stat. 49, 59, 144)].

80 U.S. 92, 99 (1871).

With the legal title, when transferred, goes the right to possess and enjoy the land, and it would amount to a denial of the power of disposal in Congress if these benefits, which should follow upon the acquisition of that title, could be forfeited [in equity].

*Id.*, at 100.

The patent is the instrument which, under the laws of Congress, passes the title of the United States. It is the government conveyance. [] But, in the action of ejectment in the Federal courts,

the legal title must prevail, and the patent, when regular on its face, is conclusive evidence of that title.

□

But neither in a separate suit in a Federal court, nor in an answer to an action of ejectment in a State court, can the mere occupation of the demanded premises by plaintiffs or defendants, for the period prescribed by the statute of limitations of the State, be held to constitute a sufficient equity in their favor to control the legal title subsequently conveyed to others by the patent of the United States, without trenching upon the power of Congress in the disposition of the public lands.

*Id.*, at 102.

In *Joy v. City of St. Louis*, the U.S. Supreme Court held,

[T]he Federal court would construe grants of the general government without reference to the rules of construction adopted by the states for grants by them, *yet whatever incidents or rights attached to the ownership of the property conveyed by the United States bordering on a navigable stream* would be determined by the states in which it is situated, subject to the limitation that their rules do not impair the efficacy of the grant, or the use and enjoyment of the property by the grantee.

201 U.S. 332, 342 (1906) (emphasis in original).

In *Oregon ex rel. State Land Bd. v. Corballis Sand & Gravel Co.*, the U.S. Supreme Court held,

We hold the true principle to be this, that whenever the question in any Court, state or federal, is, whether a title to land which had once been the property of the United States has passed, that question must be resolved by the laws of the United States; but that whenever, according to those laws, the title shall have passed, then that property, like all other property in the state, is subject to state legislation; so far as that legislation is consistent with the admission that the title passed and vested according to the laws of the United States.

429 U.S. 363, 377 (1977).

In [*Oneida Indian Nation v. Oneida County*], the Supreme Court ruled that the [Plaintiff] Oneida Indians suit to recover certain lands was properly brought in federal court because the assertion of a federal controversy did not rest solely upon a claim that possession derived from a federal grant, but rather, that federal law protects the possessory rights of [federally patented] lands.

*Leach v. Bldg. and Safety Eng'g Div. City of Pontiac*, 993 F.Supp. 606, 608 (EDMI 1998) (citing 414 U.S. 661, 677 (1974)).

These cases illustrate how Michigan may not interfere with the enduring rights of FLP holders.

### **3. Equity Comes In The Aid of Plaintiffs To Protect Legal Title**

In *Frost v. Spitley*, the U.S. Supreme Court held,

Under the jurisdiction and practice in equity, independently of statute, the object of a bill to remove a cloud upon title, and to quiet the possession of real estate, is to protect the owner of the legal title from being disturbed in his possession, or harassed by suits in regard to that title; and the bill cannot be maintained without clear proof of both possession and legal title in the plaintiff.

121 U.S. 552, 556 (1887); also, *Dick v. Foraker*, 155 U.S. 404, 414 (1894).

### **4. Michigan Case Law Mirrors U.S. Supreme Court Precedence Regarding The Rights Of Federal Land Patent Holders**

In *Webber v. Pere Marquette Boom Co.*, the Michigan Supreme Court held,

Patents issued by the United States conveying its lands are in general unassailable in an action at law. They not only operate to

pass the title, but they carry with them a conclusive presumption that all requirements to their issue have been complied with.

62 Mich. 626, 636 (1886) (*citing, St. Louis Smelting & Refining Co. v. Kemp*, 104 U.S 636, 640-641 (1881)).

In *Gilford v. Watkins*, the Michigan Supreme Court held,

Plaintiffs' equitable title under the land contract cannot be enforced in this action against defendants who have shown a prior legal title. [] The rule in Michigan excludes in ejectment all defenses that are not legal.

342 Mich. 632, 637-638 (1955) (collecting cases).

In *Moran v. Moran*, the Michigan Supreme Court held,

The common law rule, which excludes all defenses in ejectment which are not legal, has been abrogated in many parts of the Union. The courts of the United States, however, still adhere to it. [] And it also remains in force in this state. [] [N]othing is better settled in this state than that in an action of ejectment an equitable title cannot be set up as a defense against a legal title.

106 Mich. 8, 12 (1895) (*citing, Hooper v. Scheimer, supra*).

##### **5. Plaintiffs Hold Through Chain Of Titles What Was Granted To The Original Patentees In The First Place**

In *Klais v. Danowski*, the Michigan Supreme Court held,

Here[, as in the instant matter,] the United States conveyed a private claim of specific dimensions at a definite location. Determination of th[ose] location[s] is conclusive of the occupant's rights today. [Plaintiffs] continue to own, through chain of title, what was granted to the [original] patentees in the first place.

373 Mich. at 277.

*Klais* “is binding on [all] federal courts.” *See Animal Sci. Prods., Inc. v. Hebei Welcome Pharm. Co.*, 585 U.S. 33, 34 (2018)) (internal quotations omitted).

**6. Michigan’s Statutory Framework Prevented Plaintiffs From Exercising Their Federal Constitutional and Statutory Rights**

In 1961, the State of Michigan passed MCL 600.3201, *et seq.*, *Foreclosure of Mortgages by Advertisement*. Said act allows for non-judicial foreclosure of mortgages. A juridical forum is only afforded to the landowner after the mortgage has been sold, a Sheriff’s Deed issues in equity, and the purchaser of the mortgage seeks possession of the property from a court sitting in *equity*. The FLP holder is never afforded a common law forum.

In 1963, the State of Michigan passed MCL 600.2932, *Quieting title; interest of plaintiff; action by mortgagee; establishment of title; tenancy in common; actions*, currently provides, “(5) Actions under this section are equitable in nature.”

In 1972, the State of Michigan passed MCL 600.5714, *Summary proceedings to recover possession of premises; holding over by tenant or occupant of public housing or by tenant of mobile home park*, which currently provides in part as amended,

(1) A person entitled to possession of premises may recover possession by summary proceedings in the following circumstances: []

(g) When a person continues in possession of premises sold by virtue of a mortgage or execution, after the time limited by law for redemption of the premises.

A court presiding over a summary proceeding pursuant to MCL 600.5714 sits in both law and equity. *See* MCL 600.8302(1) (“In addition to the civil jurisdiction [], the district court has equitable jurisdiction and authority [] in the matters and to the extent provided by this section.”), and 600.8302(2) (“In an action under chapter 57, the district court may hear and determine an equitable claim relating to [] or involving a right, interest, obligation, or title in land.”).

Pursuant to Michigan blackletter law, all proceedings pertaining to title or possession of property are either non-judicial or not purely legal. Plaintiffs could not exercise their Seventh Amendment rights.

In 2014, the Michigan Court of Appeals examined Michigan’s statutory framework regarding the common-law action for ejectment. *New Products Corp. v. Harbor Shores BHT Land Development, LLC*, 308 Mich.App. 638 (Mich.App. 2014). The *New Products* court held,

With the enactment of MCL 600.2932, the Legislature did not expressly abrogate the common-law action for ejectment. Although one might conclude that the Legislature implicitly abrogated the common-law action for ejectment.

308 Mich.App. at 659 *fn.* 5.

Plaintiffs cannot find any amendments to MCL 600.2932 since the decision in *New Products Corp.*, *supra*. Under MCL 600.2932, “quiet title is not a separate

cause of action, but rather, it is a remedy.” *See Shaya v. Countrywide Home Loans, Inc.*, 489 Fed.Appx. 815, 819 (6th Cir. 2012).

The Michigan Legislature has not only abrogated the common law action of Ejectment, but also the action to quiet “legal” title, where equity is employed in the aid of law and prevent lesser titles from collaterally attacking a FLP and the rights thereunder. *See, e.g. Frost v. Spitley, supra; Dick v. Foraker, supra.* Abrogation of the actions in ejectment and to quiet “legal” title are in direct violation of the federal statutes cited, *supra*, and further prevented Plaintiffs from vindicating the possessory rights and forever benefits of their FLPs.

Finally, any state court judgment or order obtained by Defendant,

did not affect [Plaintiffs’] interest in the [properties] because the judgment[s and orders] w[ere] entered in an *in personam* action to which [Plaintiffs] w[ere] not [] part[ies]. An *in personam* action seeks the determination of personal rights and obligations of defendants. It is brought against a person rather than property. A judgment in an *in personam* action binds only the named parties []. Indeed, it is a principle of general application in Anglo-American jurisprudence that one is not bound by a judgment *in personam* in a litigation in which he is not designated as a party or to which he has not been made a party by service of process. Any attempt to bind a non-party [] to a judgment entered in an *in personam* action would raise serious due process concerns. *See Richards v. Jefferson Cty., Ala.*, 517 U.S. 793, 797 n.4 (1996) (“A State [or federal court] cannot, without disregarding the requirement of due process, give a conclusive effect to a prior judgment against one who is n[ot] a party therein.

*Leel v. Ditech Financial LLC*, 2020 WL 1066100, \*5 (EDMI) (internal citations, quotations and brackets omitted).

## **B. Irreparable Injury**

If Plaintiffs' Seventh Amendment "constitutional rights [we]re [merely] threatened or impaired, irreparable injury [would be] presumed." *Vitolo v. Guzman*, 999 F.3d 353, 360 (6th Cir. 2021). However, Plaintiffs' constitutional rights are not merely threatened, they have been and continue to be trampled. Plaintiffs have been physically evicted from two unique pieces of property, to which they hold superior legal title, without ever having been named as a party in one lawsuit, and never having been given an opportunity to defend their superior legal titles in a common law court. Clearly, this is an abomination of law and the irreparable injury must be stopped, forthwith.

Moreover, Plaintiffs' properties are unique. School is the former middle school for Stockbridge School District. By its nature it is unique as there is only one such former school in the entire district. In addition, Plaintiffs have spent years customizing the property. Home is a custom-built home, which Mr. and Mrs. Dalton built themselves. They have lived in that home with their four children for nearly twenty years. It is truly one of a kind. Because the properties are unique, Plaintiffs continue to suffer irreparable harm due to their unlawful eviction. *See Wonderland Shopping Ctr. Venture Ltd. P'ship v. CDC Mortg. Cap., Inc.*, 274 F.3d 1085, 1097 (6th Cir. 2001) ("As to eviction, [] loss of a unique property interest is considered irreparable harm.").

**C. Harm to Third Parties**

“[N]o cognizable harm results from stopping unconstitutional conduct.”  
*Vitolo v. Guzman*, 999 F.3d at 360. Defendant cannot demonstrate it has superior legal title once Plaintiffs are afforded their Seventh Amendment rights. No cognizable harm results from stopping Defendant’s unlawful appropriation of Plaintiffs’ properties. *See Id.*

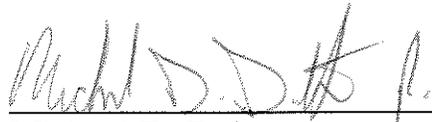
**D. Public Interest**

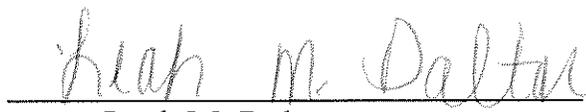
“[I]t is always in the public interest to prevent violation of a party’s constitutional rights [or the unlawful appropriation of another’s property].” *See Id.*

**CONCLUSION**

For the above reasons, Plaintiffs respectfully request that this Court issue an injunction restoring Plaintiffs to possession of both properties, 305 W. Elizabeth Street and 3468 Catholic Church Road, Stockbridge, Michigan, as soon as possible, effective until final resolution on the merits and all appeals are exhausted.

Dated: March 9, 2026

  
\_\_\_\_\_  
Michael D. Dalton, Jr.  
Plaintiff

  
\_\_\_\_\_  
Leah M. Dalton  
Plaintiff

  
\_\_\_\_\_  
Michael A. Deem  
Plaintiff

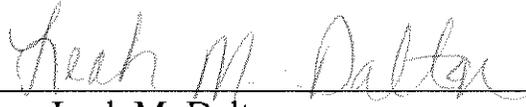
### CERTIFICATE OF COMPLIANCE

Pursuant to FRAP 32(g) and 6 Cir. R. 32, we certify that the accompanying appeal brief was prepared using Times New Roman 14-point typeface, contains 5,112 words. This certificate was prepared in reliance on the word-count function of the word processing system (Microsoft Word) used to prepare the document.

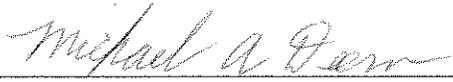
Dated: March 9, 2026



Michael D. Dalton, Jr.  
Plaintiff



Leah M. Dalton  
Plaintiff



Michael A. Deem  
Plaintiff

**CERTIFICATE OF SERVICE**

We hereby certify that on March 9, 2026, we mailed a copy of the foregoing Plaintiffs-Appellants' Emergency Motion For Injunction Pending Appeal and To Expedite Appeal with Exhibits and accompanying Joint Declaration with Exhibits to John R. Tucker, Esq., Winegarden, Haley, Lindholm, Tucker & Himelhoch, PLC, G-9460 S. Saginaw Road, Suite A, Grand Blanc, MI 48439.

Dated: March 9, 2026



Michael D. Dalton, Jr.  
Plaintiff

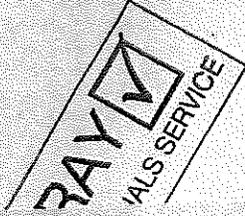


Leah M. Dalton  
Plaintiff



Michael A. Deem  
Plaintiff

Michael and Leah Dalton  
Michael Deem  
3 Dexter Trail  
Stockbridge, MI 49285



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U.S.C.A., Sixth Circuit  
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