



NEWS RELEASE

STATE EMERGENCY OPERATIONS CENTER

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Judge issues temporary restraining order against restaurant for not protecting staff and customers – continued operation posed imminent threat to public health

LANSING, MICH. Ingham County Judge Wanda Stokes has issued a temporary restraining order against Café Rosetta of Calumet for continuing to operate without a valid food service establishment license. Judge Stokes's order comes after Café Rosetta disregarded an epidemic order from the Michigan Department of Health and Human Services, which included protections against the spread of COVID-19 such as a temporary prohibition on gatherings for indoor dining in the state, and a cease-and-desist order and summary suspension order issued by the Michigan Department of Agriculture and Rural Development (MDARD). Following an administrative hearing on MDARD's summary suspension order earlier this month, an impartial Administrative Law Judge determined that the continued operation of Café Rosetta posed an imminent threat to the public health, safety, and welfare.

"We're pleased that Judge Stokes has ruled in the state's favor, not only for the health of our residents, but also for the sake of the industry as a whole," said MDARD Director Gary McDowell. "Epidemic orders issued by the state are meant to be temporary, but they only work if everybody follows the same rules. There are thousands of Michigan restaurants, bars, and businesses trying to do right by their communities and fellow business owners, but their sacrifices must not be undermined because others ignore the law and make up their own rulebook during a pandemic."

On December 2, after MDHHS issued its epidemic order, the Michigan Department of Agriculture and Rural Development—the state agency with authority to implement and enforce Michigan's Food Law—determined that Café Rosetta's continued operation created an imminent or substantial endangerment to public health and summarily suspended the operation's food establishment license.

After a December 10 hearing, an impartial Administrative Law Judge found that MDARD's summary suspension of Café Rosetta's license should be continued. Despite the Administrative Law Judge's decision and order—and despite Café Rosetta not having a valid food license—Café Rosetta has continued operating in violation of Michigan's Food Law, MCL 289.1101 et seq.

When Café Rosetta continued to offer indoor dining after this ruling, MDARD submitted a motion for a temporary restraining order to the 30th Judicial Circuit in Ingham County.

The temporary restraining order reaffirms the decisions and actions of the state regarding Café Rosetta's operations.

Related Documents:

[Temporary Restraining Order – Issued 12-30-2020](#)
[Complaint](#)

[Motion for Temporary Restraining Order](#)
[Exhibits for Temporary Restraining Order](#)
[Brief in Support of Temporary Restraining Order](#)

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