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SUPERVISOR'S OFFICE

FOR IMMEDIATE RELEASE

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State Appeals Court Upholds Dismissal of Former Township Attorney's Lawsuit

Macomb Township, Mich. – Once again, Macomb Township held its ground to save its residents from paying out on a meritless lawsuit. The Michigan Court of Appeals has affirmed the Macomb County Circuit Court's dismissal of the entire state lawsuit filed by former Macomb Township attorney and human resources director, Thomas Esordi, against the Township, Clerk Kristi Pozzi and former Supervisor Janet Dunn, in a published opinion.

"All the courts have now ruled in the Township's favor on Mr. Esordi's invalid employment contract. The facts and law are clear, eliminating the dual Human Resources Director and General Counsel role was the right decision for our community and the Township Board had the legal authority to make that decision," said Macomb Township Supervisor Frank Viviano.

Esordi was hired for the newly created HR Director and General Counsel position in 2016 under a contract he had written for himself, providing that "all disciplinary action and discharge [of Esordi] shall be for just cause," and had no term of employment. Following the 2020 election, the newly seated Township Board of Trustees unanimously voted to dissolve his position due to the incompatibility of combining the HR Director and Township Attorney roles.

The Michigan Court of Appeals unanimously held that Esordi's employment contract was void as a matter of public policy because it had no termination date, and could only be terminated "for cause," giving him indefinite employment. This contract severely limited the new Township Board's power to appoint a general counsel and HR director of its own choosing, in violation of Township statutory law and binding legal precedent.

The Court of Appeals further held that the Township Board's termination of Esordi's position was based on inherent conflicts of interest in the dual position, and did not violate the Michigan Whistleblower's Protection Act. Lastly, the Court of Appeals held that Dunn and Pozzi did not violate the Whistleblower Protection Act or public

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policy by their own actions. Esordi could not establish that he suffered a retaliation from Dunn as a result of reporting her to the federal authorities, and she did not vote on any motion to terminate him. Pozzi, individually, was not Esordi's employer or supervisor, and she did not have any authority to hire, fire, or discipline Esordi, as these decisions were left to the discretion of the entire Board.

Esordi previously claimed in federal court, to no avail, that the elimination of his position by the Township Board deprived him of his due process rights. A motion to dismiss the case in federal district court was granted in favor of the Township, Pozzi and Dunn in 2023 and was upheld by the U.S. Court of Appeals in July 2024. Esordi did not further appeal this decision to the US. Supreme Court, forever closing this issue.

After losing in four different courts, Esordi's efforts to legally challenge his termination may be over, unless he files an application to the Michigan Supreme Court to review this latest ruling.

"This latest ruling underscored the important of holding Township operations to the highest standards of accountability," Pozzi said. "Our residents deserve confidence that decisions are made transparently and in their best interest, and I'm relieved the courts have consistently upheld that principle."

Macomb Township maintains that dissolving the combined HR Director and General Counsel role was in the best interest of the community. "This decision closes the door on a contract that should not have existed," said Treasurer Leon Drolet. "Tax dollars should be spent on services for residents, not on frivolous lawsuits."

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