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News from Save Our Shoreline, Inc.

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Save Our Shoreline Vows to Fight On After Denial of Rehearing Expanding Public Trust to Dry Shore

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Save Our Shoreline announces that the Michigan Supreme Court has denied the Goeckels' Motion for Rehearing in the case of Glass v Goeckel, in which the Michigan Supreme Court held that public trust rights extend over the dry Great Lakes shores. In a perfunctory Order, the majority of the Justices refused to rehear the case, while Justices Young and Markman voted in favor of rehearing. The Goeckels' request for rehearing argued that the Court had improperly ignored prior Michigan caselaw holding that public trust rights end at the water's edge, as well as state government's long acquiescence with that caselaw.

"This motion challenged the Court to address the caselaw it ignored in its decision and to justify its ruling despite the overwhelming caselaw against it," said SOS President Ernie Krygier. "It appears that the Court was not up to the challenge," he said.

"It is a sad day for our legal system and for our constitution," he continued. "If the Court can simply ignore Michigan caselaw defining our property rights to the water's edge, it most certainly can ignore caselaw establishing other constitutional rights that our citizens hold dear," he said.

While the case involved the right to walk Great Lakes beaches, that was not the concern of Save Our Shoreline. Instead, SOS decried the expansion of the public trust beyond the water's edge. "From our perspective, this case was never about beach walking. It was about the unprecedented expansion of the public trust doctrine to Michigan's dry beaches," said Krygier. A small but growing number of state courts have been willing to disregard prior law, and have granted the public new beach-use rights, against constitutional prohibitions. Unless the U.S. Supreme Court steps in and stops judicial takings like this one, SOS is concerned that there may be nothing left to the constitutional protection of private property.

Founded in 2001, Save Our Shoreline is a nonprofit membership basis corporation of nearly 3000 households committed to the preservation of beaches and waterfront areas, and to the protection of rights to maintain beaches and waterfront areas. Those interested in Save Our Shoreline can find more information at <http://www.saveourshoreline.org/> or by calling (989) 667-2910. For more information about this press release, contact Ernie Krygier at (989) 793-3711.

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