

COA Opinion: Two Officers Of The Company That Owns The Ambassador Bridge Will Both Return To Jail

February 7, 2012 by Aaron Lindstrom

The Court of Appeals held yesterday that Matty Moroun, the director of the Detroit International Bridge Company, and Dan Stamper, DIBC's president, will be imprisoned in Wayne County Jail until they can purge their civil contempt by complying with the trial court's order. Each member of the panel issuing the decision in *In re Moroun and Stamper* wrote separately, with Judge K.F. Kelly writing the [lead opinion](#), Judge Wilder [concurring in part and dissenting in part](#), and Judge Fort Hood also [concurring in part and dissenting in part](#). Judges Kelly and Fort Hood agreed to give the decision immediate effect, and Judges Kelly and Wilder ordered the trial court to clarify at a February 9, 2012 hearing what specific act or duty Moroun and Stamper must complete in order to purge the contempt and accordingly be released.

The contempt order arose because the Detroit International Bridge Company, which is constructing interstate freeway connections to the Ambassador Bridge as part of the Ambassador Bridge Gateway Project, failed to follow the construction plans and instead implemented a conflicting design that was not approved by MDOT. For example, DIBC was supposed to build a four-lane road in a certain spot, but it instead built a two-lane road. In February 2010, the trial court ordered DIBC, among other things, to remove certain structures it had constructed in conflict with the plans and to complete construction according to the plans.

Moroun and Stamper argued that they were not afforded due process in the contempt proceedings because DIBC was held in contempt, and DIBC is a separate entity from them. In her opinion, Judge Kelly rejected this argument, noting that the corporation could act only through its agents and that Moroun did have authority over DIBC, despite his contentions to the contrary. She also concluded

that both men had notice of the hearings in advance, given that Stamper received the show-cause order and had been previously imprisoned for civil contempt in this case, and given that Moroun filed a motion in advance of the hearing asking to be excused from it. She also concluded that the trial court did not abuse its discretion in exercising its contempt power.

Judge Wilder agreed that the Court had jurisdiction and that the trial court order needed to specify what acts the DIBC officers had to take to cure the contempt, but disagreed that they received sufficient notice that they would be individually punished, as opposed to DIBC being punished.

Judge Fort Hood would have affirmed the trial court order in its entirety, concluding that Moroun and Stamper did have the means to immediately purge their contempt before the project was fully completed.