

Crain's GR (Reporter Responses from Penn Twp: 3/12/2026)

Is the township still engaging in settlement discussions at the moment, and if so, can you provide any update on where those negotiations sit currently?

“The Township remains committed to finding a resolution that serves our residents and the broader community. We have repeatedly invited the Wineries, either as individuals or collectively, to engage in discussions. The Township is ready to engage the Wineries in constructive discussions, and still believes that public involvement in such a critical question for the community is important.”

Maura Sanders, Township Supervisor

The trial judge excused finality based on "years of pervasive enforcement." What evidence shows those interactions weren't enough to make claims ripe?

“It’s very important to note the trial court acknowledged that none of the Wineries obtained a final decision about how the zoning ordinance applied to their properties before filing this lawsuit. The Wineries’ position that there was pervasive enforcement doesn’t align with the evidence. There are eleven wineries in this case, and there is no evidence that all of them received any enforcement letter at all. For the two that did—Bowers Harbor and Peninsula Cellars—those letters were not final positions and did not relate to the challenged sections of the zoning ordinance. Instead, every winery had the opportunity to clarify these regulations through local zoning processes, and every one of them chose to skip those processes entirely.”

Beau Rajsic, Township Counsel, McGraw Morris

If the Sixth Circuit agrees there's no finality, does that kill the entire \$49M judgment or just some claims?

“A finding that there is no finality would have significant implications for the judgment. The defect goes to the court’s subject matter jurisdiction. This would necessarily vacate the \$49 million dollar judgment.”

Beau Rajsic, Township Counsel, McGraw Morris

Gross vs. net profits: you say gross profit overstates damages significantly. What's your number for what the award should have been if calculated properly?

“We don’t believe the Wineries should have been awarded any damages based on the errors committed by the Wineries’ damages expert. The burden of proving damages rests squarely on the Wineries, and their expert failed to carry that burden. The Wineries’ expert calculated damages using gross revenue without deducting the costs that would have been incurred to generate that revenue. Having failed to meet their burden of establishing actual damages with competent evidence, the Wineries should be entitled to nothing. You do not get to recover dollars

you would have spent to earn the revenue you claim to have lost. The damages award should be vacated entirely.”

Beau Rajsic, Township Counsel, McGraw Morris

General statement on confidence in appeal

“Peninsula Township is confident in its position on appeal. The Township enacted its winery regulations through a lawful, democratic process. The Wineries themselves participated in that process and in some cases requested the regulations they now challenge. Rather than work through channels to seek a workable solution and compromise, the Wineries chose litigation. That choice has cost Township residents years of uncertainty and significant resources that could have been devoted to community needs.

We are asking the Sixth Circuit to apply the correct legal standards. When it does, we believe the result will vindicate the Township’s efforts to protect the agricultural character of Old Mission Peninsula and serve the interests of all residents—not just a handful of commercial enterprises.”

Maura Sanders, Township Supervisor