

Court of Appeals, State of Michigan

ORDER

67th District Court v County of Genesee

Docket No. 368601

Michelle M. Rick
Presiding Judge

Mark J. Cavanagh

Brock A. Swartzle
Judges

The motion for summary disposition filed by defendants County of Genesee and Genesee County Board of Commissioners pursuant to MCR 2.116(C)(4) is DENIED. This Court has subject-matter jurisdiction over actions brought by a court funded by a county relating to the enforcement of a general appropriations act for that court. MCL 141.438.

This Court DIRECTS that this original action shall proceed to a full hearing on the merits. MCR 7.206(D)(3).

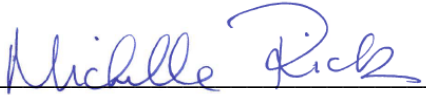
To prepare for the hearing, this Court REQUESTS the Michigan Supreme Court to assign a retired judge under section 226 of the revised judicature act of 1961, 1961 PA 236, MCL 600.226, to assist this Court “by resolving discovery issues, reviewing the evidence, making proposed findings of fact and conclusions of law, and performing any other necessary related judicial duties.” MCL 141.438(10). The judge also is directed to refer this matter to case evaluation. MCR 2.403.

This order is not intended to limit the parties’ or the judge’s options regarding the manner in which they or the judge may proceed. The proceedings before the judge shall proceed expeditiously given the facts and issues of law. The parties shall file with this Court copies of all pleadings and documents filed with the judge. Any costs associated with the transcription of proofs, oral argument, or the rulings of the judge initially shall be paid by plaintiff.

The judge’s findings of fact and other determinations shall be made in a written report to be filed with this Court. Transcripts of the proceedings before the judge, as well as the documentary record of the proceedings, shall be transmitted to this Court within 28 days after the filing of the judge’s report. The parties shall have 21 days from the filing of the judge’s report in which to file their respective objections to the report. Objections shall be accompanied by a supporting brief that complies with MCR 7.212, and exhibits. Answers to the objections made by opposing parties shall be filed within 21 days of the filing of the objections.

The Clerk of this Court is directed to serve a copy of this order on the Clerk of the Michigan Supreme Court and the State Court Administrative Office.

The Court retains jurisdiction.



Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

December 26, 2023

Date



Chief Clerk