

# Court of Appeals, State of Michigan

## ORDER

Fawzie Inc v Exxonmobil Corp

Docket No. 299633

LC No. 02-224509-CZ

Karen M. Fort Hood  
Presiding Judge

Kirsten Frank Kelly

Cynthia Diane Stephens  
Judges

The Court orders that the motion to file a reply to the answer is GRANTED.

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the June 28, 2010, orders of the Wayne Circuit Court denying plaintiff's motion to send supplemental interrogatories to the expert, denying disqualification of the neutral expert, and assessing an expert fee and costs hereby are VACATED. The record reflects no reasonable basis for the trial court's limitation to 30 minutes for each party's examination of witnesses. Consequently, the trial court abused its discretion by imposing an arbitrary time limit in this complex environmental case. *Barksdale v Bert's Marketplace*, \_\_ Mich App \_\_ (Docket No. 290329, issued August 31, 2010). The circuit court is directed to hold an additional evidentiary hearing in which witness testimony shall not have an arbitrary time limitation. In light of the new evidentiary hearing, the Court declines to take a position on the remaining issues raised by plaintiff. The case is REMANDED to the circuit court for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2).

The Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

MAY 09 2011

Date

  
Chief Clerk