

# Court of Appeals, State of Michigan

## ORDER

In re Application of Enbridge Energy Ltd Partnership

Docket No. 310967

LC No. 00-016838

Donald S. Owens  
Presiding Judge

Peter D. O'Connell

Amy Ronayne Krause  
Judges

The Court orders that the motion for immediate consideration of the motion to file a reply brief to the answer to the motions to dismiss and the motion for immediate consideration of the motion to expedite the appeal are both GRANTED.

The motion to file a reply brief to the answer to the motions to dismiss is also GRANTED.

The motions to dismiss this appeal are DENIED because neither appellee has established that this Court lacks jurisdiction over this appeal. At this stage of the appeal, we must presume that the claim of appeal was filed by one or more aggrieved parties with standing to appeal unless and until it either becomes apparent to this Court or is affirmatively established by an appellee that there is no aggrieved party with standing to appeal. See *Saffian v Simmons*, 477 Mich 8, 14; 727 NW2d 132 (2007) (discussing orderly process of honoring presumption of validity of pleadings). Accordingly, our denial of the present motions to dismiss does not preclude either appellee from further raising an issue as to this Court's jurisdiction over this appeal in its brief on appeal. Further, that appellants have identified themselves with pseudonyms cannot reasonably be considered to mean their claim of appeal does not substantially conform to MCR 7.204(D)(1). Also, appellants' answer to the motions to dismiss is not an appropriate means for appellants to seek affirmative approval to continue to pursue this appeal anonymously, and our denial of the motions to dismiss should not be considered to resolve the issue of whether it is appropriate for appellants to remain anonymous in this appeal. Any party is free to file a further motion as it may deem appropriate regarding whether appellants should be allowed to remain anonymous in pursuing this appeal.

The motion to expedite this appeal is DENIED.

Owens, J., would grant motions to dismiss.



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

AUG 21 2012

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk