

Court of Appeals, State of Michigan

ORDER

In re Application of Enbridge Energy Ltd Partnership

Docket No. 310967

LC No. 00-016838

Peter D. O'Connell
Presiding Judge

Donald S. Owens

Michael J. Kelly
Judges

The Court orders that petitioner-appellee's motion to require identification of appellants and extend time for filing its appellee's brief on appeal is GRANTED. We conclude that the general rule must be that parties to litigation in this Court are required to proceed under their true identities because of "the customary and constitutionally-embedded presumption of openness in judicial proceedings." *Doe v Bodwin*, 119 Mich App 264, 267; 326 NW2d 473 (1982), quoting *Doe v Stegall*, 653 F 2d 180, 186 (CA 5, 1981). Further, this case does not involve highly personal matters or any type of known threat to appellants' safety from disclosing their identities. We also do not believe that speculation about improper retaliation by petitioner-appellee warrants allowing appellants to remain anonymous. Moreover, we are aware of no basis why it would be improper for petitioner-appellee to consider appellants' pursuit of the present appeal as a factor in settlement negotiations. Indeed, it could well be considered unfair to petitioner-appellee if it offered larger payments to appellants in separate negotiations for their relevant property interests to avoid litigation not knowing that those appellants had actually participated in initiating litigation against petitioner-appellee in the form of this appeal.

Appellants shall file with the Clerk's Office of this Court and provide proof of service to appellees of sworn statements disclosing their true identities and the nature of their interests in this appeal within 21 days of the date of this order. The Clerk's Office is directed to change the party designations of appellants in this Court's docket entries to their true identities upon receipt of such sworn statements. Petitioner-appellee's brief on appeal shall be due 35 days after service of the last of the required sworn statements upon it. See MCR 7.212(A)(2)(a)(ii). Failure by appellants to comply with this order will result in dismissal of this appeal as to any appellant whose identity and interest in this appeal is not timely revealed in a sworn statement in accordance with this order.

Appellants' motion to disclose identities to this Court and appellee Michigan Public Service Commission under seal is DENIED.



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

OCT 09 2012

Date


Chief Clerk