

# Court of Appeals, State of Michigan

## ORDER

Weiss Construction Co LLC v Posen Construction Inc

Kurtis T. Wilder  
Presiding Judge

Docket No. 317349

Christopher M. Murray

LC No. 12-001548-CK

Michael J. Riordan  
Judges

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The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) is GRANTED. Defendant City of Dearborn may move for reconsideration of the trial court's decision to grant summary disposition of its counterclaim and the trial court shall rule on that motion. Per MCR 2.119(F)(2), the trial court may permit the filing of responses and may permit the parties to appear for oral argument on the motion. Proceedings on remand are limited to the issue as raised in the motion to remand.

Defendant City of Dearborn is to file with this Court a copy of any motion and any supporting brief filed in the trial court within 14 days of the Clerk's certification of this order. The trial court is to hear and decide the matter within 56 days of the Clerk's certification of this order. Defendant City of Dearborn must also file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry. The trial court is to make findings of fact and a determination on the record. The trial court is to cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

Defendant City of Dearborn may file a supplemental brief pertaining to the issue raised on remand within 21 days after entry of the trial court's order deciding the matter or 21 days after the transcript of the hearing on remand is filed, whichever is later. Plaintiff may file a supplemental brief in response.

This Court retains jurisdiction in the cause, and the time for proceeding with the appeal in this Court begins upon issuance of an order in the trial court that finally disposes of the remand proceedings. Nevertheless, the time for proceeding with the appeal begins 14 days from the date of certification of this order if remand pleadings are not filed in the trial court within the 14-day period.



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

OCT - 1 2013

Date

  
Chief Clerk