

Court of Appeals, State of Michigan

ORDER

Great Lakes Guardians v Township of Sims

Docket No. **320856**

LC No. **00-436941**

E. Thomas Fitzgerald, Judge, acting under MCR 7.211(E)(2), orders:

The motion to extend time to file a reply brief is GRANTED. The reply brief that was initially received on June 27, 2014 and that was resubmitted with the present motion on July 2, 2014, is accepted for filing.

However, the Court notes that, per MCR 2.107(C)(3), service of a pleading by mail is complete at the time of mailing. Thus, contrary to appellant's indication, the Clerk's Office properly determined that the service date of appellee's brief was June 5, 2014 so that the initial submission of the reply brief on June 27, 2014 was one day late and a motion was necessary to ask this Court to accept the late filing of that brief. Indeed, it would be impractical to use the date of receipt of a pleading in the mail by an opposing party as the service date because a proof of service by mail would only state the date that the item was mailed, not the date that it was received by the opposing party.



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

JUL 16 2014

Date

Chief Clerk