

Court of Appeals, State of Michigan

ORDER

New Covert Generating Company LLC v Township of Covert

Docket No. 320877

LC No. 00-399578

David H. Sawyer
Presiding Judge

William B. Murphy, C.J.

Douglas B. Shapiro
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) is GRANTED. Respondent-appellant may file a motion for relief from judgment in the Tax Tribunal, pursuant to MCR 2.612(C)(1)(b), (c), and (f). The Tribunal shall conduct an evidentiary hearing and rule on the motion. Proceedings on remand are limited to the issues as raised in the motion to remand.

Respondent-appellant is to file with this Court a copy of any motion and any supporting brief filed in the Tribunal within 14 days of the Clerk's certification of this order. The Tribunal is to hear and decide the matter within 56 days of the Clerk's certification of this order. The Tribunal is to make findings of fact and a determination on the record. The Tribunal is to cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

Respondent-appellant must also file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry. Respondent-appellant shall file its brief on appeal within 42 days after entry of the Tribunal's order deciding the matter or 42 days after the transcript of the hearing on remand is filed, whichever is later.

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 Tax Tribunal 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 Tribunal within the 14-day period.



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

JUN 10 2014

Date


Chief Clerk