

Court of Appeals, State of Michigan

ORDER

Casey Kessler v Ryan Thompson

Docket No. 321881

LC No. 03-026539-DP

Michael J. Talbot
Presiding Judge

Christopher M. Murray

Cynthia Diane Stephens
Judges

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

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(E)(2), that the Lenawee Circuit Court hold an evidentiary hearing, beginning on June 24, 2014, as mandated in *Kessler v Thompson*, unpublished per curiam opinion of the Court of Appeals, issued November 14, 2013 (Docket No. 316317). The court should issue its decision within 21 days of that date, or, if additional hearings are necessary, within 21 days of the last hearing date. In either event, the court's decision should be issued no later than August 1, 2014. In all other respects, the application for delayed leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review.

The motion for peremptory reversal is DENIED.



Stephens, J., would vote, in lieu of granting the application, pursuant to MCR 7.205(E)(2), that the December 11, 2013, order of the Lenawee Circuit Court is VACATED IN PART to the extent that it held that the prior order dated May 1, 2013, "shall not be vacated." In *Kessler v Thompson*, unpublished per curiam opinion of the Court of Appeals, issued November 14, 2013 (Docket No. 316317), this Court vacated the May 1, 2013, order, and the circuit court had no legal authority to reinstate an order vacated by this Court.



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

JUN 23 2014

Date


Chief Clerk