

# 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.

The motion for reconsideration is GRANTED. On June 23, 2014, this Court directed the Lenawee Circuit Court to hold an evidentiary hearing beginning on June 24, 2014, a previously scheduled hearing date. While we are sympathetic to defense counsel's health issues, a lower court is to strictly comply with the appellate court's mandate on remand. *Rodriguez v General Motors (On Remand)*, 204 Mich App 509, 514; 516 NW2d 105 (1994). Where this Court has repeatedly instructed the trial court to hold an evidentiary hearing, the court should have done so. *Detroit Power Screwdriver Co v Ladney (After Remand)*, 39 Mich App 629, 631; 197 NW2d 857 (1972). More than eight months ago, this Court remanded the case to the circuit court for additional proceedings in *Kessler v Thompson*, unpublished per curiam opinion of the Court of Appeals, issued November 14, 2013 (Docket No. 316317). The court already should have held a hearing, particularly given the upcoming school year. In light of the circuit court's continued delay, time now is of the essence.

The Court further orders that the circuit court must hold the long overdue evidentiary hearing on **July 31, 2014**, a date chosen by the court. The court is directed to consider updated evidence. The court must issue its decision to the parties no later than **August 5, 2014**, and counsel for appellant is directed to **immediately** provide the circuit court's decision to this Court.

The Court retains jurisdiction.



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

**JUL 23 2014**

Date

  
Chief Clerk