

Court of Appeals, State of Michigan

ORDER

Consumers Energy Company v William J Lentz

Docket No. 325705

LC No. 14-010007-CC

Michael J. Kelly
Presiding Judge

Patrick M. Meter

Michael F. Gadola
Judges

The Court orders that, in lieu of dismissing the claim of appeal for lack of jurisdiction, MCL 213.56(6); *Dep't of Transportation v Benson*, 443 Mich 870; 506 NW2d 872 (1993), the claim of appeal is treated as an application for leave to appeal. See, e.g., *Ronnisch Constr Group, Inc v Lofts on the Nine, LLC*, 306 Mich App 203, 205; 854 NW2d 744 (2014). The Court is exercising its discretion to treat the claim of appeal as an application for leave to appeal to avoid the harsh result of precluding appellant from seeking any appellate review of the merits of the January 6, 2015 order denying his motion for review of necessity because of the inability to properly file a delayed application for leave to appeal from such an order. MCL 213.56(6); *In re Acquisition of Land for Theatre Dist Project*, 180 Mich App 47, 51; 446 NW2d 596 (1989).

Appellant shall file a brief in support of the application for leave to appeal within 21 days of the date of this order. Appellee may file a timely answer within 21 days after service of the supporting brief. MCR 7.205(C). If appellee files such an answer, appellant may file a reply brief within 21 days after service of the answer. MCR 7.205(D); MCR 7.212(G). Thereafter, the application for leave to appeal will be submitted to a panel of this Court for a decision. MCR 7.205(E).


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

MAR 03 2015

Date


Chief Clerk