

**Court of Appeals, State of Michigan**

**ORDER**

**Northern MI Environmental Action Council v City of Traverse City**

Docket No.   **332590**

LC No.       **2015-031341-AA**

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Michael J. Talbot, Chief Judge, acting under MCR 7.211(E)(2), orders:

The motion to strike is GRANTED IN PART AND DENIED IN PART. The motion is GRANTED TO THE EXTENT that the July 19, 2016 affidavit of Greg Reisig, the October 30, 2015 memo by Jean Derenzy, and any references to those two items in appellees' brief on appeal are STRICKEN. The affidavit of Greg Reisig prepared after this appeal was filed is plainly not properly considered as part of the lower court record. Further, appellees acknowledge that the memo from Jean Derenzy is not part of the lower court record. The motion is DENIED as to the other items that appellant seeks to strike without prejudice to the ability of the case call panel to consider whether and to what extent those items are properly considered in this appeal.



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

**AUG 15 2016**

\_\_\_\_\_  
Date

  
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Chief Clerk