

Order

Michigan Supreme Court
Lansing, Michigan

March 28, 2018

Stephen J. Markman,
Chief Justice

156708

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder
Elizabeth T. Clement,
Justices

MATTHEW T. THIEL and NIKOLE M. THIEL,
Plaintiffs/Counterdefendants-Appellees,
and

WILLIAM TRAYWICK and MARCIA
TRAYWICK,
Intervening Plaintiffs/
Counterdefendants-Appellees,

v

SC: 156708
COA: 333000
Allegan CC: 15-055184-CK

DAVID L. GOYINGS and HELEN M. GOYINGS,
Defendants/Counterplaintiffs-
Appellants.

On order of the Court, the application for leave to appeal the August 8, 2017 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.305(H)(1).

The appellants shall file a supplemental brief within 42 days of the date of this order addressing: (1) whether the defendants' home is a "modular home" as defined by Timber Ridge Bay's "Declaration of Restrictions, Covenants and Conditions"; and (2) if so, whether the violation was a technical violation that did not cause substantial injury, *Cooper v Kovan*, 349 Mich 520, 530 (1957). In addition to the brief, the appellants shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellees shall file a supplemental brief within 21 days of being served with the appellants' brief. The appellees shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellants. A reply, if any, must be filed by the appellants within 14 days of being served with the appellees' brief. The parties should not submit mere restatements of their application papers.

The Modular Home Builders Association is invited to file a brief amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



p0321

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 28, 2018

Clerk