Order

Michigan Supreme Court
Lansing, Michigan

June 2, 2006

Clifford W. Taylor,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

130187
130574 & (52)

JOANN KUSMIERZ, KERRY KUSMIERZ, KIM L. LINDEBAUM, JAMES B. LINDEBAUM, and M SUPPLY CO.,
Plaintiffs-Appellants,

v

SC: 130187
COA: 258021
Bay CC: 01-003467-CZ

JOYCE SCHMITT and DIANE RANKIN,
Defendants-Appellees,

and

RONALD SCHMITT,
Defendant.
_____/

JOANN KUSMIERZ, KERRY KUSMIERZ, KIM L. LINDEBAUM, JAMES B. LINDEBAUM, and M SUPPLY CO.,
Plaintiffs-Appellees,

v

SC: 130574
COA: 258021
Bay CC: 01-003467-CZ

JOYCE SCHMITT and DIANE RANKIN,
Defendants-Appellants,

and

RONALD SCHMITT,
Defendant.
_____/

On order of the Court, the applications for leave to appeal the November 15, 2005 judgment of the Court of Appeals are considered. We direct the Clerk to schedule oral argument on whether to grant the applications or take other peremptory action. MCR 7.302(G)(1). The parties shall include among the issues to be addressed at oral argument: (1) whether the trial court erred by considering its post-trial grant of injunctive relief as a

basis for awarding case evaluation sanctions; (2) whether the Court of Appeals erred by comparing the case evaluation award and jury verdict for each individual plaintiff as against each individual defendant; (3) whether the Court of Appeals erred by dividing the $25,000 case evaluation award equally among the five plaintiffs who were parties at the time of case evaluation; and (4) whether the Court of Appeals erred by finding that plaintiffs JoAnn Kusmierz and Kerry Kusmierz are liable to Diane Rankin for case evaluation sanctions when defendant Rankin never filed or served a request for costs in compliance with MCR 2.403(O)(8). The parties may file supplemental briefs within 42 days of the date of this order, but they should avoid submitting a mere restatement of the arguments made in their application papers. The motion for extension of time to file a reply brief in Docket No. 130574 is GRANTED.

I, Corbin R. Davis, 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.

June 2, 2006

Clerk

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