

# Order

Michigan Supreme Court  
Lansing, Michigan

June 2, 2006

Clifford W. Taylor,  
Chief Justice

130585

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

MICHAEL FRANCIS SPITZLEY, Personal  
Representative of the ESTATE OF DAVID A.  
SPITZLEY,

Plaintiff-Appellee,

v

SC: 130585  
COA: 255345  
Clinton CC: 03-009578-CZ

THOMAS P. SPITZLEY and KIMBERLY S.  
SPITZLEY,

Defendants-Appellants.

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On order of the Court, the application for leave to appeal the December 1, 2005 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 preemptory action. MCR 7.302(G)(1). The parties shall include among the issues to be addressed at oral argument: (1) whether any of the Michigan authority defendants asserted below supported their position that they were entitled to the disputed 40-acre parcel of farmland; (2) whether the non-Michigan authority on which defendants relied in their counter-complaint presented a good-faith argument for the extension, modification, or reversal of existing law, MCR 2.114(D); (3) whether the circuit court correctly ruled that "Defendants have not presented . . . any documentary evidence that supports their position"; and (4) whether sanctions were properly awarded against defendants pursuant to MCR 2.114(E). 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.



s0530

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

*Corbin R. Davis*

Clerk