

# Court of Appeals, State of Michigan

## ORDER

Oliver/Hatcher Construction and Development Inc v Shain Park Assoc

Michael R. Smolenski  
Presiding Judge

Docket No. 275500

Richard A. Bandstra

LC No. 06-077442-CZ

Jane E. Markey  
Judges

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The Court orders that the application for leave to appeal is GRANTED, limited to the issues raised in the application, MCR 7.205(D)(4), except that the parties are directed to also address the question of whether Oliver/Hatcher's request that the trial court declare that Shain Park has no causes of action is a proper subject of a declaratory action. The time for taking further steps in this appeal runs from the date of the Clerk's certification of this order. MCR 7.205(D)(3).

The motion to expand the record is GRANTED. In light of the fact that the motion to add cross-claim that Shain Park asks us to consider was part of the record below, the motion to expand is more in the nature of a request to submit an additional argument.

The motion to file a reply to answer is GRANTED and the reply filed with the motion is accepted.

The joint motion for immediate consideration of the joint motion for stay of proceedings pending appeal is GRANTED.

The joint motion for stay of proceedings pending appeal is GRANTED, and further proceedings are STAYED pending resolution of this appeal or further order of this Court.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 10 2007  
Date

*Sandra Schultz Mengel*  
Chief Clerk