

Court of Appeals, State of Michigan

ORDER

Daniel Adair v State of Michigan

Docket No. 311779

LC No. 00-000000

Henry William Saad
Presiding Judge

Christopher M. Murray

Michael F. Gadola
Judges

The Court orders that the Motion for Leave to File First Amended Complaint is GRANTED, and the first amended complaint, as revised, is ACCEPTED for filing. On the Court's own motion, and in light of *Adair v State of Michigan*, 302 Mich App 305 (2013), and *Adair v State of Michigan*, ___ Mich ___ (2014), this Court concludes that all claims advanced by plaintiffs in §§ B and C of their revised first amended complaint are strictly legal claims that this Court will address as a matter of law after the conclusion of the remand proceedings authorized by this order. To aid this Court in the resolution of the remaining underfunding claims alleged in § A of the revised first amended complaint, the Court REFERS this original action to Judge Michael D. Warren, Jr., of the Oakland Circuit Court, pursuant to MCR 7.206(D)(3) and MCL 600.308a(5). Judge Warren shall serve as the special master in these proceedings. The special master shall direct the parties' discovery, resolve all disputes concerning discovery, enter temporary orders, take proofs, report factual findings for review by this Court and make such other determinations as are necessary to facilitate this Court's resolution of the factual and legal matters raised by the parties. This order is not intended to limit the parties' or the special master's options regarding the manner in which they or the special master may proceed. The parties shall use the electronic filing system employed by the Oakland Circuit Court. The parties shall also file with this Court copies of all pleadings and documents filed with the special master.

The special master's findings of fact and other determinations shall be made in a written report to be filed with this Court. Transcripts of the proceedings before the special master, as well as the documentary record of the proceedings, shall be transmitted to this Court within 28 days after the filing of the special master's report. The parties shall have 21 days from the filing of the special master's report in which to file their respective objections to the report. The objections shall be accompanied by a supporting brief that complies with MCR 7.212, and exhibits. Answers to the objections made by the opposing parties shall be filed within 21 days of the filing of the objections.

Remanded for proceedings consistent with this order. We retain jurisdiction.



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

MAR 30 2015

Date

Chief Clerk