

Court of Appeals, State of Michigan

ORDER

In re Application of Enbridge Energy Ltd Partnership re Pipeline

Docket No. 315061

LC No. 00-017020

Patrick M. Meter
Presiding Judge

Peter D. O'Connell

Donald S. Owens
Judges

The Court orders that the motion to dismiss this appeal under MCR 7.211(C)(2)(c) is GRANTED because petitioner-appellee has established that this appeal has become moot since this Court's resolution of the appeal cannot have a practical legal effect and does not involve an issue that is likely to recur yet evade judicial review. See, e.g., *Thomas M Cooley Law School v John Doe 1*, 300 Mich App 245, 254; ___ NW2d ___ (2013). This appeal is moot as to appellant Wilma Yopez due to her agreement with petitioner-appellee voluntarily allowing it to use her property in return for financial compensation. The appeal is moot as to appellants Judith Wu, Kimberly Wu, and Richard Wu (the Wu appellants) because petitioner-appellee's final construction plan for the relevant project does not involve use of their property. Further, this appeal does not involve an issue likely to recur yet evade review because, if an issue about the sufficiency of the relevant type of notice recurs, it could easily do so in a context in which the relevant company continues to wish to use the relevant property for a pipeline or similar project and the landowner does not wish to allow such use.

O'Connell, J. concurs and would add: If petitioner-appellee either attempts to use or obtain legal authorization to use that property for the project at issue the Wu appellants may file a motion in this Court of Appeals docket number to reopen this appeal within 21 days after being placed on notice of such conduct.



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

SEP 20 2013

Date

Chief Clerk