

**Court of Appeals, State of Michigan**

**ORDER**

Charter Township of White Lake v Ciurlik Enterprises

Docket No. 324976

LC No. 2014-141776-CZ

William B. Murphy, C.J.  
Presiding Judge

David H. Sawyer

Jane M. Beckering  
Judges

---

The Court orders that the motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court PEREMPTORILY REVERSES that portion of the preliminary injunction that requires defendants to abate the nuisance by the immediate removal of the composting materials from their property and REMANDS this matter to the trial court for an evidentiary hearing at which the parties may present evidence on the available options to best abate the nuisance. The parties and the court shall consider, among other factors, the cost of each proposed abatement measure; the practicality of each abatement measure including the availability of another commercial composting facility to take the composting materials; and, the anticipated impact of the abatement measures on the neighbors of the defendants' composting facility, including whether the removal of the composting materials will generate a greater odor presence than passive composting on-site. In light of this order, the show cause hearing scheduled for December 17, 2014, is no longer necessary and, therefore, shall be adjourned. This order has immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



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

**DEC 16 2014**

Date

*Jerome W. Zimmer Jr.*  
Chief Clerk