Court of Appeals, State of Michigan

ORDER

Daniel Adair v State of Michigan (On Third Remand)

Docket No. 230858

Michael J. Talbot
Presiding Judge

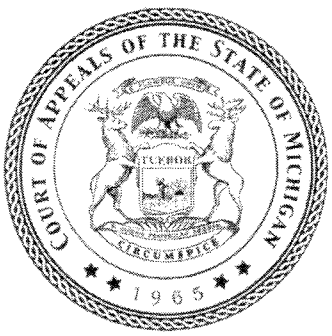
Henry William Saad

Karen M. Fort Hood
Judges

Pursuant to the agreement of the parties, the Court appoints A. David Baumhart, III, to serve as a special master in this matter and to hear plaintiffs' claim for costs incurred in litigating their recordkeeping claim. The parties shall share the costs of the proceedings before the special master.

The special master shall immediately schedule a conference with the parties for the purpose of establishing the terms of a scheduling order and to establish the manner in which proofs will be presented. This order is not intended to limit the parties' or the special master's option or choices in the manner in which they or the special master wish to proceed. The special master is charged with the authority to facilitate a mutually acceptable resolution of plaintiffs' claim for attorney fees and costs. Any settlement reached by the parties shall be memorialized in writing and promptly submitted to the Court. In the event that the parties are unable to reach a settlement, the special master shall hear all factual issues raised by the parties. 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 shall be transmitted to this Court within 28 days after the issuance of the special master's report. The parties shall have 21 days from the filing of the transcripts in which to file objections to the special master's report. The objections shall be accompanied by a supporting brief and exhibits. Answers to the objections made by opposing parties shall be filed within 14 days of the filing of the objections.

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



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

OCT 19 2010
Date

Sandra Schultz Mengel
Chief Clerk