Court of Appeals, State of Michigan

ORDER

Jodi Allen v City of Laingsburg

Docket No. 286031

LC No. 07-005653-CH

Mark J. Cavanagh
Presiding Judge

E. Thomas Fitzgerald

Douglas B. Shapiro
Judges

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

The Court further orders that the motions for rehearing and to permit oral argument are DENIED. Court records indicate that a letter notifying plaintiff-appellee of the date for oral argument was generated and mailed to counsel's current address on December 11, 2009. Failure of delivery of that notice did not deprive plaintiff of oral argument as plaintiff was not endorsed for argument because appellee's brief was not timely filed. MCR 7.214(A). Contrary to plaintiff's assertion in the motion, this Court's correspondence regarding the timing of appellee's brief was unambiguous, and consistent with the court rules, in advising that the brief would be timed from the date of service of appellant's brief. MCR 7.212(A)(2)(a)(ii). In the fifteen months since this Court notified plaintiff that the brief was untimely and that she was not endorsed for argument, plaintiff failed to request relief.

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

JAN 12 2010
Date

Sandra Schultz Mengel
Chief Clerk