Court of Appeals, State of Michigan

ORDER

Kevin Hardrick v Joseph L Fedewa

Docket No. 295226

LC No. 07-010266-NO

Alton T. Davis
Presiding Judge

William C. Whitbeck

Patrick M. Meter
Judges

The Court orders that the motion to remand is GRANTED. This matter is REMANDED to the trial court to allow appellant to move for appropriate relief in the trial court based on newly discovered evidence that appellee Second Injury Fund did not make payments to appellant.

Counsel for appellant shall initiate the proceedings on remand within 14 days of the Clerk's certification of this order. The Court retains jurisdiction and the time for proceeding with the appeal in this Court shall begin to run upon issuance of an order in the trial court that disposes of the remand proceedings. Appellant shall file with this Court a copy of any motion and supporting brief filed in the trial court within 14 days after the Clerk's certification of this order. Appellant shall also file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry.

The trial court shall hear and decide the matter within 56 days of the Clerk's certification of this order. The trial court shall make findings of fact and a determination on the record. Appellant shall cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

Appellant may file a supplemental brief pertaining to the issues raised on remand within 21 days after entry of the trial court's order deciding the matter or 21 days after the transcript of the hearing is filed, whichever is later. Appellee may file a supplemental brief in response.

The time for proceedings with the appeal shall begin to run 14 days after the date this order is certified if the motion to initiate the proceedings on remand is not filed in the trial court within that 14-day period.

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

MAY 06 2010
Date

Sandra Schultz Mengel
Chief Clerk