

APR 30 2025

CORPORATE OVERSIGHT DIVISION

STATE OF MICHIGAN
IN THE 30TH JUDICIAL CIRCUIT COURT FOR THE COUNTY OF INGHAM

DANA NESSEL, ATTORNEY GENERAL
OF THE STATE OF MICHIGAN, *ex rel* The
People of the State of Michigan,

Plaintiff,

v

No. 24-418-CP

HON. MORGAN E. COLE

CANARY DATE SCULPTING, INC., a
Florida corporation d/b/a Canary Tree
Service; JUSTIN HARTMANN, an
individual; HOLTSLANDER AND SONS
TREE SERVICE, LLC, a Michigan limited
liability company d/b/a Holtslander and
Sons; GARRISON MCKINNEY TREE AND
BRIDGE SERVICES, LLC, a Mississippi
limited liability company d/b/a Garrison
McKinney; E & B CONTRACTING, a
Kentucky limited liability company,

Defendants.

Darrin F. Fowler (P53464)
Daniel J. Ping (P81482)
Assistant Attorneys General
Michigan Dep't of Attorney General
Corporate Oversight Division
P.O. Box 30736
Lansing, MI 48909
(517) 335-7632
FowlerD1@michigan.gov
PingD@michigan.gov

Ryan P. Richardville (P77335)
The Mike Cox Law Firm, PLLC
Attorney for Defendant Holtslander
and Sons Tree Service
17430 Laurel Park Dr. N., Ste. 120E
Livonia, MI 48152
(734) 591-4002
rrichardville@mikecoxlaw.com

**ORDER DENYING PLAINTIFF'S MOTION IN LIMINE, REJECTING
DEFENDANT'S NOTICE OF FAILURE UNDER MCR 3.501(B)(2),
GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION
FOR PARTIAL SUMMARY DISPOSITION UNDER MCR 2.116(C)(10), AND
DENYING DEFENDANT'S CROSS-MOTION FOR SUMMARY DISPOSITION
UNDER MCR 2.116(I)(2)**

At a session of said Court held in the City of Lansing,
County of Ingham, State of Michigan,
on April 8, 2025.

PRESENT: HONORABLE MORGAN E. COLE
Circuit Court Judge

In relation to a Complaint filed in the above-captioned matter, Plaintiff Attorney General Dana Nessel brought a motion for partial summary disposition against Defendant Holtslander & Sons Tree Service, LLC. In its Response, Defendant cross-moved for summary disposition under MCR 2.116(I)(2). Plaintiff also filed a motion in limine to exclude the admission of Clarity Market reports at trial. This Court held a hearing on these motions on April 8, 2025. At that hearing, Defendant raised the issue of outstanding briefing regarding the necessity for a motion for class certification under MCR 3.501(B)(1) regarding Plaintiff's claims brought under MCL 445.910. Now, for the reasons stated on the record, IT IS ORDERED as follows:

- A. Plaintiff's 3/14/25 Motion in Limine is DENIED for the reasons stated on the record;
- B. Defendant's 10/14/24 Notice of Plaintiff's Failure to Timely Move for Class Certification under MCR 3.501(B) is REJECTED for the reasons stated on the record;
- C. Regarding Count III of the Complaint, Plaintiff's 3/7/25 Motion for Summary Disposition is GRANTED with respect to all claims brought under MCL 445.903(1)(n) and (t), and DENIED with respect to claims

brought under MCL 445.903(1)(s), (y), and (bb), for the reasons stated on the record;

D. Regarding Count IV of the Complaint, Plaintiff's Motion for Summary Disposition is GRANTED with respect to claims brought under MCL 445.903(1)(a) and DENIED with respect to claims brought under MCL 445.903(1)(y), for the reasons stated on the record;

E. Regarding Count V of the Complaint, Plaintiff's Motion for Summary Disposition is GRANTED with respect to claims brought under MCL 445.903(1)(c) but DENIED with respect to claims brought under MCL 445.903(1)(bb), for the reasons stated on the record;

F. Defendant's 4/1/25 cross-motion for summary disposition under MCR 2.116(I)(2) is DENIED for the reasons stated on the record; and

G. Issues of remedy, including those regarding claims for which summary disposition is granted, will be deferred pending the jury's resolution of the remaining issues.

This Order is not a final order and does not close the case.

IT IS SO ORDERED.

Dated: April 23, 2025

HON. MORGAN E. COLE

Honorable Morgan E. Cole
Circuit Court Judge

Order prepared by: Daniel J. Ping (P81482)
Michigan Department of Attorney General
Corporate Oversight Division
P.O. Box 30736
Lansing, MI 48909