



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

Sunny Crest Youth Ranch,
Petitioner,

MICHIGAN TAX TRIBUNAL

v

MOAHR Docket No. 21-000671

Sunfield Township,
Respondent.

Presiding Judge
Peter M. Kopke

ORDER GRANTING JOINT MOTION FOR IMMEDIATE CONSIDERATION

ORDER GRANTING JOINT MOTION TO ADJOURN

SCHEDULING ORDER

On January 16, 2023, the parties filed Motions requesting that the Tribunal (i) adjourn the hearing scheduled for January 26, 2023 and January 27, 2023 and (ii) give immediate consideration to their Motion to Adjourn.”¹ In the Motions, the parties claim that:

1. “This is a property tax appeal in which Petitioner claims that its property is exempt from taxation under MCL 211.7o. Each of Petitioner and Respondent had filed a motion for summary disposition, and a response to the other party’s motion. Those motions remained pending as of January 9, 2023.”
2. “On that date, counsel for the parties held a telephonic status conference with Chief Judge Bieda. During the conference, Chief Judge Bieda advised that the hearing then scheduled for January 26 and 27, 2023, would not proceed and would be rescheduled to a new date. He also advised that he was unable to schedule a new hearing date at that time but set another status conference for January 17, 2023 to discuss that topic.”

This is an important legal document. Please have someone translate the document.

Este es un documento legal importante. Por favor, haga traducir este documento.

এটি একটি গুরুত্বপূর্ণ আইনি দলিল, অনুগ্রহ করে কেউ দলিলটিকে অনুবাদ করুন।

هذا هو وثيقة قانونية هامة يرجى لديك شخص تترجم الوثيقة.

Ito ay isang mahalagang legal na dokumento. Mangyari lamang na magkaroon ng isang tao isalin ang dokumento.

¹ See the October 25, 2022 Revised Scheduling Order.

3. “Based on Chief Judge Bieda’s advice that the hearing would not proceed on January 26 and 27, counsel for the parties made other commitments that it is now too late to alter. For example, counsel for Petitioner is scheduled for an in-person hearing at the Washtenaw County Circuit Court on January 26, 2023, in *Consumers Energy Co v McKernan Farm, LLC*, Case No. 22-001515-CC. Based on Chief Judge Bieda’s advice that the hearing date would change, counsel did not seek an adjournment and there is now insufficient time to do so. Similarly, Petitioner’s witnesses made other commitments based on the advice that the hearing would not proceed that day.”
4. “After the January 9 status conference, Counsel for Respondent was scheduled to appear at an in-person deposition on January 27. Additionally, Respondent’s witness is also now unavailable on January 27.”
5. “After these changes were made in the parties’ schedules, the Tribunal issued an Order on January 13, 2023, denying the parties’ motions for summary disposition and reinstating the hearing date on January 26 and 27. At the parties’ subsequent request the Tribunal agreed to a status conference on January 17, 2023.”

The Tribunal has reviewed the Motions and the case file and finds that good cause exists to justify the immediate consideration of the Motion to Adjourn given the hearing currently scheduled for January 26, 2023 and January 27, 2023 and the joint filing of the Motion to Adjourn. Further, good cause also exists to justify the granting of the Motion to Adjourn. Although Judge Bieda erred by indicating orally in an undocumented status conference held on January 9, 2023, that the hearing would be adjourned,² the oral statement was made, and the parties rightfully relied on that statement. As such, the parties are unavailable for the scheduled hearing, which requires the rescheduling of that hearing, which is being done based on the representations made by the parties during a telephonic status conference conducted on January 17, 2023, that they are both available during the week of February 20, 2023, for the conducting of the hearing that should take over a day but not two full days. Therefore,

IT IS ORDERED that the Joint Motion for Immediate Consideration is GRANTED.

IT IS FURTHER ORDERED that the Joint Motion to Adjourn is GRANTED.

IT IS FURTHER ORDERED that the hearing scheduled for January 26, 2023 and January 27, 2023 is ADJOURNED.

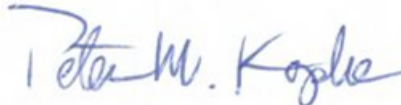
² See MCL 205.746(1) (i.e., “[t]he tribunal shall make its decision in writing”).

IT IS FURTHER ORDERED that the hearing is RESCHEDULED, as follows:

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|----------------------|---|
| HEARING DATE: | February 22, 2023. The hearing shall continue on February 23, 2023 , as necessary. |
| HEARING TIME: | 9:00 a.m. |
| TEAMS HEARING LINK: | Click here to join the meeting Download Teams Join on the web Or call in (audio only) +1 248-509-0316,,384827407# United States, Pontiac Phone Conference ID: 384 827 407# |
| PARTICIPANTS' GUIDE: | https://bit.ly/34fBXnN |

Failure to comply with this Order or, more specifically, appear for the rescheduled hearing may result in the dismissal of this case or the conducting of a show cause or default hearing.³

Entered: January 18, 2023
Pmk

By 

PROOF OF SERVICE

I certify that a copy of the foregoing was sent on the entry date indicated above to the parties or their attorneys or authorized representatives, if any, utilizing either the mailing or email addresses on file, as provide by those parties, attorneys, or authorized representatives.

By: Tribunal Clerk

³ See TTR 231(1) and (4). See also *Grimm v Department of Treasury*, 291 Mich App 140, 149-150; 810 NW2d 65 (2010); MCL 205.732(c); and the April 18, 2022 Prehearing Order.