



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

Penney Property Sub Holdings LLC,
Petitioner,

MICHIGAN TAX TRIBUNAL

v

MTT Docket No. 24-000968

City of Kentwood,
Respondent.

Presiding Judge
Patricia L. Halm

SUMMARY OF PREHEARING CONFERENCE

SCHEDULING ORDER

NOTICE OF HEARING

A prehearing conference was held in this matter on October 28, 2025. Seth O'Loughlin, attorney, appeared on behalf of Petitioner. Toby Koenig, attorney, and Andy Johnson, assessor, appeared on behalf of Respondent. A Scheduling Order has been established and a hearing has been set for:

HEARING DATE:	January 26, 2026*
*The hearing shall continue through January 29, 2026, as necessary.	
HEARING TIME:	9:00 a.m.
HEARING LOCATION:	611 W. Ottawa, 2 nd Floor, Lansing, Michigan 48933.

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.

PREHEARING CONFERENCE SUMMARY

I. VALUATION INFORMATION:

- A. The true cash value (TCV), assessed value (AV), and taxable value (TV) for each parcel and tax year at issue as established by the Board of Review:

Parcel Number: 41-18-11-303-004

Year	TCV	AV	TV
2024	\$8,754,000	\$4,377,000	\$2,940,000

- B. The parties' contentions of TCV, state equalized value (SEV), and TV for each parcel and tax year at issue:

Parcel Number: 41-18-11-303-004

Petitioner				Respondent		
Year	TCV	SEV	TV	TCV	SEV	TV
2024	\$2,300,000	\$1,150,000	\$1,150,000	\$11,250,000	\$5,625,000	\$2,940,000

- C. Amounts in dispute for the tax year at issue between Petitioner's contentions and the Board of Review's assessment:

Parcel Number: 41-18-11-303-004

Year	SEV	TV
2024	\$3,227,000	\$1,790,000

II. TAX INFORMATION:

The property's taxes have been paid for the tax year at issue.

III. FACTUAL STATEMENT OF CLAIMS:

- A. Classification of property:

Parcel Number	Classification
41-18-11-303-004	Commercial Real

- B. Highest and best use (H&BU) for the tax year at issue:

	H&BU
Petitioner	Commercial retail
Respondent	Commercial anchor retail store

- C. The property's TCV and TV are at issue for each tax year under appeal.

- D. Petitioner's claims or counterclaims: "Petitioner contends that the state equalized, assessed and taxable values levied against the subject property are unlawful as they exceed fifty (50%) of the property's fair market value."
- E. Respondent's claims or counterclaims: "Respondent will rely on the facts as set forth in its valuation disclosure and/or as testified to by its valuation expert(s), Brandon L. Ellis, MAI. Respondent will also rely on the facts set forth in its record cards and related City records and/or as testified by its Assessor, Evan A. Johnson, and other testimony of witnesses called at a hearing."

IV. PENDING MOTIONS OR DISCOVERY:

- A. Motions: None pending at this time.
- B. Discovery: Discovery is closed unless otherwise stated below.

V. WITNESSES:

- A. As provided by TTR 241, a person, other than a rebuttal witness, who is NOT identified as a witness in the prehearing statement, shall NOT be permitted to give testimony, unless, for good cause shown, the Tribunal permits the testimony to be taken.
- B. Witnesses will testify under oath or affirmation at the hearing, are subject to cross-examination by the opposing party, and to questions by the administrative law judge.

SCHEDULING ORDER

- I. January 12, 2026 is the final date to file and serve upon the opposing party and the Tribunal a final exhibit list and to furnish the opposing party with a copy of each exhibit. **The parties must use the form prescribed by the Tribunal, available [here](#).** Each exhibit must display the docket number and exhibit number (i.e., P1, P2, R1, R2, etc.) in the upper right hand corner of the first page of each copy of each proposed exhibit. An exhibit will not be admitted into evidence unless the exhibit is disclosed and furnished in accordance with this order (even though admissible) except upon a finding of good cause by the Tribunal.
- II. January 12, 2026 is the date for Petitioner to notify the Tribunal in writing of the name and telephone number of

the court reporter retained by the parties to transcribe the hearing. Petitioner shall ensure that the hearing transcript is emailed to the Tribunal within 30 days after the close of the hearing, unless ordered otherwise.

Failure to comply with this order will result in holding the non-complying party in default and may result in the dismissal of the case or a show cause or default hearing, as provided by TTR 237.¹

By Patricia L. Haem

Date: October 28, 2025

¹ See also MCL 205.732.

HEARING INFORMATION – PLEASE READ IMMEDIATELY

GENERAL INFORMATION: An impartial hearing will be conducted in accordance with Michigan Tax Tribunal Rules (R 792.10201-R 792.10297) and the Michigan Administrative Procedures Act, MCL 24.201 *et seq.* The Michigan Rules of Evidence and the Michigan Court Rules may be applicable. A party is expected to exercise proper respect and courtesy toward other parties, witnesses and administrative law judges, which includes attending the hearing on time and silencing cell phones.

REPRESENTATION: A party may be represented by an attorney or other authorized representative of the party's own choosing and at the party's own expense. The Tribunal does not recommend or appoint attorneys.

WITNESSES: Parties may present witnesses identified in the Prehearing Statements to testify under oath or affirmation at the hearing. Parties may also present rebuttal witnesses, who are not required to be listed in the party's Prehearing Statement. Witnesses will be subject to cross-examination by the opposing party and questions by the administrative law judge.

EXHIBITS: The parties shall bring one copy of all proposed exhibits to the hearing. Each exhibit must display the docket number and exhibit number (i.e., P1, P2, R1, R2, etc.) in the upper right hand corner of each copy of each proposed exhibit. If an exhibit contains multiple pages, each page shall be numbered. The proposed exhibits must be separated into numerical order sets and indexed for easy reference. After the hearing has concluded, an order will be issued instructing the parties as to how to submit the exhibits for the record.

COURT REPORTER: The parties shall not only provide a court reporter to transcribe the hearing but shall also provide an electronic copy of the hearing transcript to the Tribunal by e-mailing it to taxtrib@michigan.gov. The costs attributable to the court reporter shall be shared equally by the parties. If the parties fail to pay the costs of the transcript to the court report prior to the submission of the transcript to the Tribunal, the court reporter may report this to the Tribunal with the submission of the transcript. The party or parties who failed to pay the costs associated with the transcript may be held in default.²

WITHDRAWAL: If Petitioner no longer wants to continue with the appeal, Petitioner may submit a written request to withdraw the case, available [here](#). The request must be submitted to the Tribunal and served on Respondent at least 14 days before the hearing. Respondent may file a concurrence or objection to the request within 7 days of the service of the request on that party. Respondent's failure to timely submit a concurrence or objection to the request will be deemed to be a concurrence to the request. If the request is granted, the case will be dismissed. If the Tribunal has not notified you that the request has been granted, you are required to attend the hearing.

SETTLEMENT: Parties may submit a written agreement settling a case (i.e., stipulation). The stipulation must be on a form made available by the tribunal, available [here](#), or shall be in a written form that is in substantial compliance with the tribunal's form and be signed by the parties' attorneys or authorized representatives, if they have attorneys or authorized representatives, or by the parties, if they do not have attorneys or authorized representatives. There is a \$50 fee for the filing of the stipulation. If the stipulation with appropriate filing fee is

² See TTR 237.

received by the Tribunal or the parties email a copy of the signed stipulation to the Tribunal by 4:30 p.m. on the business day immediately preceding the day of the scheduled hearing, the hearing may be adjourned. Parties that email a copy of a signed stipulation to the Tribunal for purposes of adjourning a hearing are also required to submit the original signed stipulation with appropriate filing fee. The stipulation, once submitted, will be reviewed and, if accepted, the Tribunal will issue a consent judgment.

FAILURE TO APPEAR: A party's failure to timely appear or otherwise participate in a hearing will result in the hearing being adjourned and the party failing to appear being held in default. The defaulted party will be given an opportunity to show good cause for the failure to appear. Failure to respond or show good cause may result in dismissal of the case or the conducting of a default hearing.

REASONABLE ACCOMMODATIONS: All hearings are conducted in a barrier-free location in compliance with the Americans with Disabilities Act. An individual requiring reasonable accommodation for effective participation in a hearing, including accessible documentation such as braille, large print, electronic or audio reader, should contact the Tribunal by telephone at (517) 335-9760, or complete and submit an accommodation request form available [here](#).

An individual requiring a foreign language interpreter for effective participation in a hearing, should contact the Tribunal by telephone at (517) 335-9760, or complete and submit an accommodation request form located [here](#).

All requests must be filed within five (5) days of receipt of the Notice of Hearing to ensure availability of accommodation.

Hearing participants and observing members of the public who need assistance with speech or hearing may also participate in a telephonic or virtual hearing by dialing 7-1-1 and using the Michigan Relay service. More information about this service may be found [here](#).

PRIVACY OF INFORMATION: In order to conduct a comprehensive and fair hearing, a party's private or confidential information, such as health or financial information, may be disclosed to the Tribunal and other parties and their attorneys or representatives. The Tribunal will use the private information solely for purposes related to the hearings process. A party may file a motion to request that a public hearing be closed in part or file a motion for protective order to deem certain information private and confidential in order to afford that information special protection.

CONTACT INFORMATION:

Michigan Tax Tribunal
611 W. Ottawa St., Lansing, MI 48933
U.S. Postal Mailing Address: PO BOX 30232, Lansing, MI 48909
Other Carriers (UPS, FedEx, DHL):
2nd Floor MTT, 2407 N. Grand River Avenue, Lansing, MI 48906
Phone: (517) 335-9760
E-Mail: taxtrib@michigan.gov
Website: www.michigan.gov/taxtrib
E-Filing: <https://eFiling.apps.lara.state.mi.us>
Office Hours: 8:00 a.m. – 5:00 p.m., our office is closed from 12:00 p.m. – 1:00 p.m.

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 provided by those parties, attorneys, or authorized representatives.

By: Tribunal Clerk