

Order

Michigan Supreme Court
Lansing, Michigan

November 20, 2019

Bridget M. McCormack,
Chief Justice

159856

David F. Viviano,
Chief Justice Pro Tem

2 CROOKED CREEK LLC and RUSSIAN
FERRO ALLOYS, INC.,
Plaintiffs-Appellants,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 159856
COA: 342797
Ct of Claims: 14-000181-MZ

CASS COUNTY TREASURER,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the July 2, 2019 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The appellants shall file a supplemental brief within 42 days of the date of this order addressing whether 2 Crooked Creek LLC (“2CC”) (an owner of a property interest that was extinguished by tax foreclosure after being accorded notice sufficient to satisfy minimum due process requirements) can sustain an action to recover monetary damages pursuant to MCL 211.78l(1) by claiming that it “did not receive any notice required under this act” due to a lack of actual notice and, specifically, whether constructive notice is sufficient to fall within the confines of “any notice” under MCL 211.78l(1) such that 2CC can be charged with knowledge of the notice that was posted to the subject property during a time when 2CC was exercising control and dominion over it. See *In re Treasurer of Wayne Co for Foreclosure (Perfecting Church)*, 478 Mich 1 (2007). In addition to the brief, the appellants shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellants’ brief. The appellee shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellants. A reply, if any, must be filed by the appellants within 14 days of

being served with the appellee's brief. The parties should not submit mere restatements of their application papers.

Michigan Association of County Treasurers is invited to file a brief amicus curiae. Other persons or groups interested in the determination of the issue presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 20, 2019

A handwritten signature in black ink, appearing to read "Larry S. Royster", written over a horizontal line.

Clerk