

Order

Michigan Supreme Court
Lansing, Michigan

April 2, 2019

Bridget M. McCormack,
Chief Justice

158602

David F. Viviano,
Chief Justice Pro Tem

SARA ELYAS,
Plaintiff-Appellant,

v

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

SC: 158602
COA: 342629
Ingham CC: 16-000815-NI

EDWARD ANDREW JOHNSTON, SHANE
JASON SHERMAN, MARILYN LOUISE MOSS,
SHANIA MARIE FARQUHAR, CHAD RUSSELL
FARQUHAR, AUTO OWNERS INSURANCE
COMPANY, and PROGRESSIVE MICHIGAN
INSURANCE COMPANY,
Defendants-Appellees.

On order of the Court, the application for leave to appeal the September 19, 2018 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.



a0325

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.

April 2, 2019


Clerk

Court of Appeals, State of Michigan

ORDER

Sara Elyas v Edward Andrew Johnston

Amy Ronayne Krause
Presiding Judge

Docket No. 342629

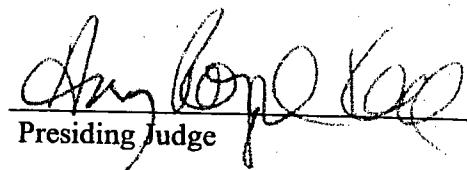
Patrick M. Meter

LC No. 16-000815-NI

Michael F. Gadola
Judges

The Court orders that the motion to affirm pursuant to MCR 7.211(C)(3) is GRANTED for the reason that the questions to be reviewed are so unsubstantial as to need no argument or formal submission.

The motions to dismiss and to extend time to file appellee's brief are DENIED as moot.



Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

SEP 19 2018

Date



Chief Clerk

Court of Appeals, State of Michigan

ORDER

Sara Elias v Edward Andrew Johnston

Docket No. **342192**

LC No. **16-000815-NI**

Michael J. Talbot, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction. A claim of appeal must be taken from a judgment or order. MCR 7.203(A). The January 19, 2018 order from which appellant claims an appeal was vacated by the trial court prior to the filing of the claim of appeal and, thus, ceased to exist as an order before the claim of appeal was filed. Thus, the claim of appeal was not properly filed from a non-existent order.

The motion to waive fees is GRANTED for this case only.

Michael J. Talbot



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

FEB 14 2018

Date

Jerome W. Zimmer Jr.

Chief Clerk

AT A SESSION OF SAID COURT, HELD IN THE COURTHOUSE, IN THE CITY OF LANSING, COUNTY OF INGHAM, STATE OF MICHIGAN, ON THIS 19 DAY OF January, A.D., 2018.

PRESENT: HONORABLE CLINTON CANADY, III

This matter having come before the Court on Defendant, JOHNSTON'S Motion To Dismiss Plaintiff's Complaint, with concurrence by Co-Defendants; oral arguments having been presented in support of and in opposition thereto; the Court being otherwise fully advised in the premises; and Plaintiff being provided with an interpreter fluent in the Amharic language;

NOW THEREFORE, pursuant to MRC 2.313(D)(1)(a) and MCR 2.313(B)(2)(c) and Plaintiff's failure to provide proper discovery, IT IS HEREBY ORDERED that Plaintiff's Complaint be and the same is hereby dismissed in its entirety without prejudice and without costs to be assessed to any party.

CLINTON CANADY III

HONORABLE CLINTON CANADY, III (P23262)
Circuit Judge

COUNTERSIGNED:

KIM MILTON

Deputy Clerk

AT A SESSION OF SAID COURT, HELD IN THE COURTHOUSE, IN THE CITY OF LANSING, COUNTY OF INGHAM, STATE OF MICHIGAN, ON THIS 28 DAY OF February, A.D., 2018.

PRESENT: HONORABLE CLINTON CANADY, III

This matter having come before the Court on Defendant, JOHNSTON'S Motion To Dismiss Plaintiff's Complaint, with concurrence by Co-Defendants; oral arguments having been presented in support of and in opposition thereto; the Court being otherwise fully advised in the premises; and Plaintiff being provided with an interpreter fluent in the Amharic language;

NOW THEREFORE, pursuant to MRC 2.313(D)(1)(a) and MCR 2.313(B)(2)(c) and Plaintiff's failure to provide proper discovery, IT IS HEREBY ORDERED that Plaintiff's Complaint be and the same is hereby dismissed in its entirety without prejudice and without costs to be assessed to any party.

*Further order Plaintiff Olyas is indigent.
If appeal filed with Court of Appeals, transcripts in this
file shall be provided by County*

Clinton Canady III
HONORABLE CLINTON CANADY, III (P23262)
Circuit Judge

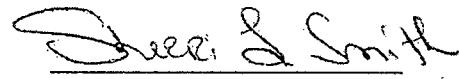
COUNTERSIGNED:

Dee Lohr

Deputy Clerk

PROOF OF SERVICE

I hereby certify I served a copy of the above Order upon Plaintiff(s) and Defendant by hand delivery to all parties present on the February 28, 2018.



Sherri L. Smith (P64485)
Law Clerk

1 STATE OF MICHIGAN
 2 IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM
 3
 4 SARA ELYAS,
 5 Plaintiff,
 6
 7 CASE NO: 16-315-NI
 8 EDWARD ANDREW JOHNSTON,
 9 SHANE JASON SHERMAN, MARILYN
 10 LOUISE MOSS, SHANIA MARIE
 11 FARQUHAR, CHAD RUSSELL FARQUHAR,
 12 AUTO OWNERS INSURANCE, and
 13 PROGRESSIVE MICHIGAN INSURANCE
 14 COMPANY,
 15
 16 Defendants.

17 BEFORE HONORABLE CLINTON CANADY, III, CIRCUIT JUDGE
 18 LANSING, MICHIGAN - WEDNESDAY, JANUARY 10, 2018

19 MOTION TO DISMISS
 20 APPEARANCES:

21 PLAINTIFF IN PRO PER:

22 SARA ELYAS,
 23 917 Huron Lane, Apt. 3
 24 Lansing, MI 48017

25 FOR DEFENDANT EDWARD ANDREW JOHNSTON:

26 DANIEL G. COLLISON, JD.
 27 COLLISON & COLLISON, PC
 28 5811 Colony Drive, North
 29 P.O. Box 6010
 30 Saginaw, MI 48638

31 FOR DEFENDANT PROGRESSIVE:

32 JOSEPH R. ENSLEN, JD.
 33 STRAUB, SEAMAN & ALLEN, P.C.
 34 2810 East Beltline Lane
 35 Grand Rapids, MI 49525

36 Reported by: Teresa J. Abraham, CSR (517)483-6404

1 APPEARANCES CONT'D.:
 2 FOR DEFENDANT AUTO OWNERS:
 3 SHAINA REED, JD.
 4 ERASER, TROTTER, COCK
 5 122 W. Allegan St
 6 Suite 1000
 7 Lansing, MI 48933

1
 2 I N D E X
 3

4 WITNESSES:

5 None.

6 EXHIBITS:

7 Exhibit # Description Received
 8 None.

1 Lansing, Michigan

2 January 10, 2018

3 at about 2:13 p.m.

4 *****

5 THE COURT: All right. We have --
 6 Ms. Elyas is here. Appearances on behalf of the
 7 Defendants for me, please?

8 MR. ENSLEN: Joseph Enslen appearing on
 9 behalf of the Defendant, Progressive.

10 THE COURT: On behalf of the Defendant?

11 MR. ENSLEN: Progressive.

12 THE COURT: Progressive? Okay.

13 MS. REED: Good afternoon, Your Honor.
 14 Shaina Reed here on behalf of the Defendant, Auto
 15 Owners.

16 MR. COLLISON: Daniel Collison on behalf of
 17 the Defendant, Johnston.

18 THE COURT: Which Defendant? I'm sorry.

19 MR. COLLISON: Johnston. Defendant
 20 Johnston.

21 THE COURT: He is the driver or the owner
 22 of the car? I don't remember.

23 MR. COLLISON: He is the driver on the
 24 first accident.

25 THE COURT: Okay. All right. All right.

1 Ms. Elyas, you apparently, some time
 2 recently, filed a request for an interpreter; is
 3 that correct?

4 MS. ELYAS: Yeah.

5 THE COURT: You know, the issue that the
 6 Court has is we provided you an interpreter
 7 before. You said you needed an interpreter. But
 8 then you told me that the interpreter wasn't
 9 interpreting correctly. So how would you be able
 10 to make that determination if you really needed an
 11 Interpreter?

12 MS. ELYAS: I file --

13 THE COURT: You remember that hearing?

14 MS. ELYAS: I file it.

15 THE COURT: Pardon?

16 MS. ELYAS: I file it last --

17 THE COURT: You fired everybody ma'am.
 18 Everybody that's attempted to assist you in this
 19 case you fired. Your statement was you needed an
 20 interpreter. When we got you the interpreter, you
 21 told us he wasn't interpreting correctly. That's
 22 why you wanted to fire him. It's sort of like, do
 23 you really need an interpreter, if you can tell us
 24 the interpreter wasn't doing something correctly,
 25 and that's the reason you fired him?

1 MS. ELYAS: The first of the time, yes.
 2 But as time change, we change the interpreter.
 3 THE COURT: Well, I am just saying, we gave
 4 you the Interpreter. You said you didn't
 5 understand.

6 MS. ELYAS: Just one time.

7 THE COURT: He was interpreting. You said
 8 he wasn't doing it right and you fired him. Okay.
 9 Now -- but -- and the same thing with the lawyers.
 10 Okay? I have bent over backwards trying to
 11 suggest that you get an attorney. The last one I
 12 heard is that you refused to sign a fee agreement,
 13 because if there was a recovery, you wanted to get
 14 the check and pay the lawyer. I said that's not
 15 going to happen because there are a lot of costs
 16 and expenses associated with the case that a
 17 lawyer has to incur, or advance. And so I know of
 18 no lawyer in the state, frankly, that's going to
 19 enter into a fee agreement where you get the check
 20 and pay them after the fact.

21 So you fired like at least three lawyers I
 22 know, or you have asserted that you didn't hire
 23 them after they filed their appearance.

24 I don't know what to tell you, ma'am.

25 MS. ELYAS: Just the one time by phone, I

1 didn't understand.

2 THE COURT: Right. I mean, I understand.
 3 He filed an appearance. And then you said you
 4 didn't know him, I never talked to him, etcetera.
 5 I didn't go behind that. I just said it would be
 6 unusual for an attorney to file an appearance
 7 without having talked to you, at least one time.

8 But I took you at your word. You fired
 9 him. You fired, I think, Mr. Fleischmann, who
 10 was initially on the case. He got fired. We had
 11 three or four other attorneys that indicated they
 12 had talked to you, and I guess you were not
 13 satisfied with any of them.

14 So, really, ma'am, I've bent over
 15 backwards. I'm trying to just make a record
 16 here. But you probably will have to end up going
 17 to the Court of Appeals to see if we offered you
 18 every opportunity possible to avoid a dismissal
 19 of your case. All right? That's what we're here
 20 for. Okay?

21 So, I don't know. I've tried the best as
 22 I can to say that you need representation, but
 23 you haven't been able come to an agreement with
 24 any attorney. As I stated, I know of no attorney
 25 in the State of Michigan who would agree to

1 represent you, and if they were successful, you
 2 would get the check and you would pay them after
 3 the fact. Because you are not investing anything
 4 in the case. They have to invest a lot of money
 5 to get a case to trial, like thousands of
 6 dollars. So I don't know if you're aware of that
 7 or not. But your medical depositions have to be
 8 paid, all those people have to be paid, the
 9 deposition transcripts, etcetera.

10 So you're really at the turning point.
 11 I've pretty much exhausted this. All right?

12 Then when we had the discussion before,
 13 for the record, the Defendants talked about they
 14 wanted to have the deposition. And you wanted to
 15 try to dictate where it was going to be. You
 16 wanted to say that you were only going to come
 17 here. I told you it doesn't work that way.

18 MS. ELYAS: The position --

19 THE COURT: Well, let me finish, ma'am. I
 20 told you it didn't work that way. You said you
 21 only wanted to be here at the court. I said it
 22 didn't work that way. They could have you come to
 23 their office. And we had a long discussion about
 24 that on the record. And then then they tell me
 25 you didn't show for the deposition.

1 So we're here today where they're saying
 2 you have been given a lot of opportunities to
 3 appear. If you don't go through with discovery,
 4 that's grounds for dismissal of your case. All
 5 right? So we had this discussion before. And
 6 you said you weren't going to go to their office.
 7 I said you had to. And you didn't go. So here
 8 we are. That's what we're here for today.

9 MS. ELYAS: Which office?

10 THE COURT: Pardon?

11 MS. ELYAS: Which office I didn't go?

12 THE COURT: Well, for the deposition.

13 MS. ELYAS: Yeah. You see, I didn't see
 14 it. Nobody send me my mail.

15 THE COURT: Ma'am, every time we've come to
 16 court you said --

17 MS. ELYAS: I have the paper with me.

18 THE COURT: Excuse me. Every time we've
 19 come to court, you said you didn't get it. We got
 20 your e-mail. So all the attorneys, we made
 21 special efforts.

22 MS. ELYAS: Only one time.

23 THE COURT: Excuse me, ma'am. We made
 24 special efforts to assist you. You said they
 25 could serve you by email. I don't know, you were

1 moving around, I can't remember.

2 MS. ELYAS: I show the paper. But it's
 3 changing.

4 THE COURT: But I'm saying, every time you
 5 come in and say you didn't get it, but I think
 6 they were following the process that you gave the
 7 Court about how to send notice to you.

8 So if you come in and say: This is my
 9 email address, and this is where I can be
 10 reached, okay, and then they file that process,
 11 then you come in subsequent to that and say:
 12 Well, I didn't get it. I mean, they're following
 13 the process you gave them. So I don't know.

14 So we're really at a crucial point here.
 15 So have a seat, and let's hear from the other
 16 side. All right? You can have a seat, or you
 17 can remain standing if you feel more comfortable.

18 MR. COLLISON: Good afternoon, Your Honor.
 19 I just want to point out that I did receive a
 20 response to our motion to dismiss in yesterday's
 21 mail from Ms. Elyas.

22 And, first off, the answer to our motion
 23 really makes no sense whatsoever. It does not
 24 address the issue that I'm here about today. And
 25 that is to dismiss her case because she didn't

1 appear for a number of times for her deposition.
 2 And from what I can decipher, she is
 3 actually responding to a motion that I have set
 4 up in February on the threshold issue. That's
 5 all she is talking about is a police report with
 6 a zero injury. She's talking about doctors lying
 7 and things of that nature. It has nothing to do
 8 with the motion we're here for, for today.

9 THE COURT: When is that set for?

10 MR. COLLISON: That's in February, end of
 11 February.

12 THE COURT: All right.

13 MR. COLLISON: But in any event, as far as
 14 our motion is concerned, after significant
 15 difficulty in filing a motion to compel her to
 16 attend the last time around, we finally did get a
 17 deposition date set for December 8th of last year.

18 It's important for the Court to understand
 19 that the Plaintiff, personally, selected the date
 20 for that deposition by email. I have a copy of
 21 the e-mail attached to my motion as Exhibit A.

22 And also, every time that we emailed her
 23 something as directed by the Court to her e-mail
 24 address, we also sent regular mail, none of the
 25 regular mail has been returned. And it's the

1 same address that I just got the response
 2 yesterday on, at 917 Harvest Lane, Apartment 3,
 3 Lansing, Michigan.

4 So there's no question that she is either
 5 getting it by regular mail or by the email that
 6 the Court directed us to send those notices to.

7 So once the deposition was -- the date was
 8 selected by the Plaintiff, we then set it up for
 9 that date. It was confirmed in a notice of
 10 taking deposition on October 27, again, by e-mail
 11 and regular mail.

12 Based on the Plaintiff's selected date for
 13 the deposition, we hired an interpreter to be
 14 present at the deposition. The Court Reporter
 15 was lined up. And all of the attorneys cleared
 16 their schedule to be there for the deposition.

17 There was No objections filed to the
 18 deposition. There was no requests for
 19 adjournment or rescheduling. The Plaintiff did
 20 not appear, and she did not notify anybody that
 21 she would not be present. She was sent a
 22 reminder e-mail about two days before the
 23 deposition, that's also attached to my motion by
 24 my secretary to the address we had. She was sent
 25 another e-mail about half way, or about a half

1 hour to the start of the deposition, while we
 2 were waiting for her, or remind her that we were
 3 there waiting for her. I also tried calling her
 4 number at the only phone number that we have.
 5 Apparently calls are blocked. Apparently you
 6 can't get through to her phone.

7 So we called off the deposition after
 8 about an hour. And I made a record at the time
 9 of the deposition. I have the original copy of
 10 the transcript, if you care to take a look at
 11 that.

12 So based on what we believe is Plaintiff's
 13 complete and utter disregard for an orderly
 14 discovery process in this case, the parties have
 15 incurred substantial unnecessary expenses,
 16 including costs and attorney fees for everybody
 17 that was there that day, the interpreter fee, the
 18 Court Reporter fee.

19 And, as I indicated in my motion, pursuant
 20 to MCR 2.313(D)(1)(a):

21 That if a party fails to appear at her
 22 deposition after being served with a proper
 23 notice, the Court, in which the action is
 24 pending, may order such sanctions as are just,
 25 including those authorized under subrule

1 (B)(2)(c).

2 If you go to (B)(2)(c):
 3 The Court may enter an order dismissing
 4 the action.

5 So that's what we're asking the Court to
 6 do. We have been as cooperative as we can be in
 7 trying to get some discovery out of this lady.
 8 She is not cooperative at all. We're asking the
 9 Court to dismiss the case.

10 I have also asked for costs and attorney
 11 fees for \$1200 representing the court reporters'
 12 fees, my fees, and having to file this motion
 13 here again today. So that's what we're asking,
 14 dismissal and costs.

15 THE COURT: Any of the other Defendants
 16 have any position on this?

17 MS. REED: Your Honor, we filed a
 18 concurrence. We join in seeking relief requested
 19 by Defendant Johnston for the very same reasons.
 20 I won't belabor the point. We concur in the
 21 relief sought.

22 MR. ENSLEN: Joseph Enslen on behalf of
 23 Progressive. I also join the motion on behalf of
 24 Progressive, including the only written discovery
 25 received from Plaintiff.

1 Progressive is defending a PIP action at
 2 the beginning of this action. We sent out a
 3 written discovery to designed to identify what
 4 was actually being claimed in terms of work loss,
 5 allowable expenses and replacement services
 6 expenses. I attached Plaintiff's response to my
 7 concurrence to show the Court. At this stage in
 8 discovery, Progressive has no idea what exposure
 9 it faces in this case, if any.

10 We join the motion and ask the case to be
 11 dismissed.

12 THE COURT: Ms. Elyas, they say they made
 13 arrangements with you for the deposition day to be
 14 held on December 8th. Do you recall that, ma'am?

15 MS. ELYAS: No. Mr. -- I was sick, and I
 16 didn't see any email. When I opened up my email,
 17 it's not working. Because somebody hacked it. I
 18 changed to new e-mail. I sent to the person.

19 THE COURT: But they say that they used the
 20 same e-mail that you prepared a response for, that
 21 they just got today on the motion that's set for
 22 February to always give you notice. So if it was
 23 working this week, you know, why wasn't it working
 24 then?

25 MS. ELYAS: No. It's not working. I have

1 a new email. I use a new email.

2 THE COURT: Well, they said that they
 3 mailed you this. Are you still living on Harvest
 4 Lane?

5 MS. ELYAS: Yes, my address.

6 THE COURT: All right. So they are say
 7 they sent it by email. That was at your request.
 8 And they also sent it by regular mail.

9 MS. ELYAS: Yeah. Regular mail, I take it.

10 THE COURT: And they said they set the date
 11 up with you before they scheduled it. They said
 12 they got with you and apparently had some
 13 conversation with you, and they said this
 14 deposition would take place on December 8th. You
 15 said, okay. And they went from there, but then
 16 you didn't show up.

17 MS. ELYAS: No. Before my is mail is not
 18 working, e-mail is not working.

19 THE COURT: I'm just talking about the
 20 December 8th deposition day that they set it up
 21 with you in advance to make sure there were no
 22 problems. They say you failed to appear at that
 23 deposition date.

24 MS. ELYAS: No. I didn't get that one.

25 THE COURT: But you are the one who set it

1 up.

2 MS. ELYAS: Excuse me?

3 THE COURT: They cleared it with you in
4 advance. So you had to have notice of the
5 deposition.6 MS. ELYAS: No. I know that the
7 appointment was canceling October --8 THE COURT: All right. Anything else,
9 ma'am?10 MS. ELYAS: November 3 was canceling. I
11 know that one.12 THE COURT: Well, all I'm saying is they
13 sent it to the email, and they sent it to your
14 house.15 MS. ELYAS: My mail is not working. I
16 call, I give my e-mail. I didn't get it.17 THE COURT: Ma'am, I don't know if it was
18 not working or not. But that was the address you
19 gave us.20 So they did it both ways to make sure that
21 there was no issue. They mailed it. You are
22 saying you're still the Harvest Lane address.
23 And they sent it by email, which was done as a
24 special dispensation for you because you said
25 that's the way you wanted it to be.1 MS. ELYAS: Yes. My email -- my mail is
2 someone changing it, because I don't get anything.3 Now, this month for that reason I have
4 mailing address in Washington, D.C.5 THE COURT: How did you know about today's
6 hearing, ma'am?

7 MS. ELYAS: Excuse me?

8 THE COURT: How did you know to be here
9 today?10 MS. ELYAS: Last week I get it. Last week
11 I get it.12 THE COURT: How did you get it, by email or
13 regular mail?

14 MS. ELYAS: By email.

15 THE COURT: Email?

16 MS. ELYAS: Yes.

17 THE COURT: All right. The one that isn't
18 working?19 MS. ELYAS: Excuse me -- no. The new one.
20 The new one. 789 -- start a new one, new G-mail.21 THE COURT: And when did you get the new
22 e-mail, ma'am?23 MS. ELYAS: After -- around December 21 or
24 something.

25 THE COURT: December what?

1 MS. ELYAS: December -- December 21.
2 THE COURT: After the December 8th
3 deposition date?4 MS. ELYAS: Yes. After that I have a new
5 one.6 THE COURT: All right. And so how did you
7 communicate the new email address to them? How
8 did they know about a new email address?9 MS. ELYAS: I have for them email for
10 everything in the file.11 THE COURT: Do you have another e-mail
12 address? Did you end up --13 MR. COLLISON: Yes, Your Honor. We
14 received notice of a new email on December 11,
15 2017, which was -- the deposition was on a Friday.
16 We got the new e-mail on Monday.17 But the point is, even before you get to
18 that, all you have to look at is Exhibit 8 of my
19 motion. You can see an email from her giving us
20 the December 8th, 2017 date.

21 THE COURT: Which exhibit?

22 MR. COLLISON: It's Exhibit A.

23 THE COURT: A?

24 MR. COLLISON: Yeah. That's from her
25 e-mail address to us selecting December 8, 2017 as

1 the deposition date.

2 THE COURT: All right. Ma'am, they say
3 that you sent an email to them?4 MS. ELYAS: I say if my mail is working,
5 only for this case I use it. I use it for other
6 -- for federal. I have some immigration case for
7 my children. That's important for me, that e-mail
8 is, you know, I'm using that one.9 THE COURT: Well, but did you e-mail them
10 confirming that the deposition would be on
11 December 8th?12 MS. ELYAS: I didn't e-mail to them
13 anything.

14 THE COURT: You didn't send them anything?

15 MS. ELYAS: No. I was sick. I was at
16 home.

17 THE COURT: Can I look at --

18 MS. ELYAS: I didn't go to anything. Even
19 my mail is not working, I need for my immigration
20 case. My email is important for me.21 MR. COLLISON: Right at the top, a message
22 to our office from her, selects December 8th,
23 right at the top.24 THE COURT: I don't see that on this one.
25 This is the response. I see now. Okay. So your

1 email is M-E-Y-I-G-E-R-E-M?
 2 MS. ELYAS: M-E-Y-I-G-E-R-E-M.
 3 THE COURT: At Gmail.com?
 4 MS. ELYAS: Yeah. Old one. The new one is
 5 789 B-U-T-T-B-U-S-A.
 6 THE COURT: But they have here an email
 7 from you -- well, from your address. It is not
 8 signed by you, that says that the --
 9 MS. ELYAS: Yeah.
 10 THE COURT: It says date should be December
 11 8, 2017.
 12 MS. ELYAS: No. I didn't open any e-mail.
 13 I didn't use it. Even my email, I don't know. I
 14 mean, I called, they told if you paid --
 15 THE COURT: Okay. Well, apparently the
 16 Interpreter has arrived.
 17 THE INTERPRETER: I couldn't find it.
 18 Sorry.
 19 THE COURT: I don't know if Mrs. Elyas
 20 needed an interpreter today. She seemed to be
 21 able to explain herself. The record should
 22 reflect -- your name is, sir?
 23 THE INTERPRETER: My name Tibebe Eshete.
 24 THE COURT: Spell that for us.
 25 THE INTERPRETER: T-I-B-E-B-E. First name.

1 Last name. E-S-H-E-T-E. Eshete.
 2 THE COURT: And you were contacted by the
 3 Court at the request of -- well, you don't know
 4 what the request was. But you were contacted by
 5 the Court to serve as an interpreter for
 6 Ms. Elyas?
 7 THE INTERPRETER: That's correct.
 8 THE COURT: Do you need a moment to discuss
 9 this with her in any fashion? She seems to be
 10 aware of what's going on, and is able to
 11 communicate to me her position. But I'll give you
 12 a couple moments, if you want to talk with her.
 13 You can step outside. You don't have to do it --
 14 THE INTERPRETER: I apologize. I was
 15 looking up there and waiting.
 16 THE COURT: Yes. We are down here. So I'm
 17 not holding you responsible for that.
 18 THE INTERPRETER: She said that will be
 19 fine, that I will be translating for her.
 20 THE COURT: She has understood what's going
 21 on today, right?
 22 THE INTERPRETER: I will be glad if you
 23 start all the conversation again.
 24 THE COURT: All right.
 25 INTERPRETER: I will be on the same page

1 with you.
 2 THE COURT: That's fair. Are you certified
 3 or a qualified interpreter?
 4 THE INTERPRETER: I am qualified. I am
 5 qualified. For the last five years I have been
 6 providing these services.
 7 THE COURT: Raise your right hand for me,
 8 please. State your name for the record, please.
 9 INTERPRETER: Tibebe Eshete.
 10 THE COURT: What's the dialect you will be
 11 translating?
 12 INTERPRETER: Amheric. Amheric language
 13 for the Ethos.
 14 THE COURT: Okay. And you are a qualified
 15 interpreter; is that correct?
 16 INTERPRETER: Yeah.
 17 THE COURT: And you stated you have been in
 18 that position for five years?
 19 INTERPRETER: For more than five years.
 20 Yes.
 21 THE COURT: And the Court has approached
 22 you or contracted with your agency to provide
 23 interpreting services for Ms. Elyas here today?
 24 INTERPRETER: That's right.
 25 THE COURT: Okay. Do you solemnly swear or

1 affirm that you will interpret truthfully, and to
 2 the best of your knowledge, from Amheric to
 3 English, and English to Amheric in this matter?
 4 INTERPRETER: Absolutely.
 5 THE COURT: All right. Thank you. You can
 6 put your hand down.
 7 So going back to the beginning, the issue
 8 is that Ms. Elyas has not obtained an attorney
 9 for various reasons.
 10 INTERPRETER: I did that intentionally
 11 because there are people who will be obstructing,
 12 who will be standing in the way in the process.
 13 So I did that intentionally.
 14 THE COURT: All right. But I indicated to
 15 her it was reported to the Court that one of the
 16 reasons she could not get an attorney is because
 17 she was insisting that if there was an award of
 18 some type, the check should come to her rather
 19 than the attorney.
 20 INTERPRETER: No. That's not the
 21 appropriate reason. I know that very well. I
 22 tried to do -- I tried to abide by the law.
 23 That's not an appropriate reason.
 24 THE COURT: Okay. And that she has been
 25 unable to obtain an attorney. I think she talked

1 to several attorneys, but has not been able to
 2 have an attorney, which leaves her unrepresented
 3 at this time.

4 INTERPRETER: Yeah. I have been
 5 desperately searching and trying to have somebody
 6 to represent me as an attorney. But I also feel
 7 that there are some people -- according to her, I
 8 have to be literal in the translation -- who seek
 9 to be against that process. So I'm trying to
 10 through representation.

11 THE COURT: And you haven't interpreted in
 12 this matter previously, have you? you haven't
 13 served as an interpreter in this case before, have
 14 you?

15 INTERPRETER: I have been maybe a couple of
 16 times I did this translation.

17 THE COURT: Did she discharge you at some
 18 point in the past, she said she didn't want you to
 19 be her interpreter anymore?

20 INTERPRETER: Not at all.

21 THE COURT: No. You aren't that
 22 individual?

23 INTERPRETER: Not at all.

24 THE COURT: So the issue today is that
 25 Ms. Elyas has not been compliant in providing

1 discovery, being where she is supposed to be other
 2 than the Court. I have to give her credit that
 3 she always comes to court. And so that's the
 4 issue today.

5 INTERPRETER: Probably this is the only
 6 time -- there was one time that I met a group of
 7 discovery. But for the rest, I have been sick.
 8 That was why I was not able to come. On top of
 9 that she said literally my e-mail system has been
 10 highjacked, broke. I didn't have any access for
 11 my e-mail.

12 THE COURT: So indicate that Ms. Elyas has
 13 asserted that she doesn't get notices, but the
 14 process used by the attorneys has been the same.
 15 She has been able to be at all court dates, but
 16 hasn't been able to be at anything outside of
 17 court.

18 INTERPRETER: I can produce evidence that
 19 my email has been hijacked somehow. So it is not
 20 something that I did intentionally. I did not ask
 21 for this information. I did not know.

22 THE COURT: I guess the Court's concern is
 23 selective. In other words, she is always here for
 24 the Court, but anything else she always states she
 25 is sick, doesn't notify anybody, she says my

1 e-mail has been hacked, or whatever. But it's the
 2 same process that the Defendants have used for
 3 every proceeding.

4 INTERPRETER: In fact, she said, I was the
 5 one who insisted on having this session today. So
 6 that shows that, you know, I need this matter to
 7 be resolved as quickly as possible.

8 THE COURT: Well, yes. And that's the --

9 INTERPRETER: So I know for sure that
 10 January 10 is today's court session. I know about
 11 that. So I came.

12 THE COURT: But the difficulty is the same
 13 way that she was notified of this hearing, she was
 14 notified of a deposition that she was supposed to
 15 attend and claimed that she didn't get notice of
 16 that. But yet the attorneys used the same
 17 process.

18 INTERPRETER: I still have to believe what
 19 she says. What she says is I was the one who
 20 actually took initiative for this Court to have
 21 this session today for January 10th.

22 THE COURT: Okay. So the real issue is
 23 that they -- the attorneys had contacted her via
 24 the e-mail address she had provided, and gave her
 25 some dates where she needed to appear for a

1 deposition.

2 INTERPRETER: If I cannot have access to my
 3 email account, if that's the only source by which
 4 you no have access to, it's my responsibility to
 5 attend. It's my own business. So I'm not trying
 6 to create or manufacture anything. I was just
 7 disabled from checking my e-mail accounts.

8 THE COURT: All right. But she responded
 9 from her e-mail account and selected a particular
 10 date for this deposition to take place and she
 11 failed to appear.

12 INTERPRETER: I have been disabled from
 13 having any contact with any of my attorneys. I
 14 had to come to court to initiate the
 15 conversations. So that --

16 THE COURT: Slow down. You have to let him
 17 finish before you continue.

18 MS. ELYAS: No. He didn't understand.

19 THE COURT: Okay. Go ahead, sir.

20 INTERPRETER: I have issues dealing related
 21 to immigration of my children. And I have to
 22 contact the State Department. And I came to know
 23 even about this through them.

24 THE COURT: But you haven't told me why she
 25 didn't appear at the deposition.

1 Court's understanding, although Ms. Elyas denies
 2 that now, she would not be agreeable to the
 3 standard fee arrangements for the attorney to take
 4 her case on a contingent basis.

5 INTERPRETER: I'm more than ready to follow
 6 the rule and then have somebody who is an
 7 attorney, whom I would be able to pay.

8 THE COURT: The difficulty is, Ms. Elyas
 9 has told me that on numerous occasions that she
 10 was going to follow the rules. And she has failed
 11 to do it, adequately. We had a big issue with her
 12 Interrogatories, which I guess they finally got
 13 answered in a fashion, but really were not in the
 14 appropriate order. I let that go.

15 THE INTERPRETER: I'm still looking for a
 16 lawyer. I will call today to Grand Rapids to
 17 speak to someone who will be my attorney. I'm
 18 still looking for it.

19 THE COURT: Also, before this deposition,
 20 on December 8th was scheduled, Ms. Elyas had
 21 indicated she would not go to anybody else's
 22 office. And she wanted to tell or have the
 23 deposition held here. And I indicated to her that
 24 she would have to go to the deposition if it was
 25 at their office.

1 INTERPRETER: Within my reach, within my
 2 knowledge, within my possibility, as best as I
 3 can, you know I tried to attend. And there were
 4 blockages, systemic, as she described it to me,
 5 dismemberments. For that I cannot be responsible.

6 THE COURT: The Court's going to find that
 7 we're simply at an impasse here. That the
 8 Defendants have bent over backwards to try to work
 9 with Ms. Elyas, even though she feels there is
 10 some conspiracy by the Defendants against her.
 11 The Court -- all right. So do that for me.

12 INTERPRETER: I am a lonely person. I am
 13 an immigrant. I don't know the language. I don't
 14 know the system. I don't know how things function
 15 here. And nobody is paying attention to my --

16 THE COURT: And Ms. Elyas has been saying
 17 that for over a year, and we bent over backwards
 18 to assist her at every turn.

19 There also was a motion for summary
 20 disposition that was a relatively close call.
 21 Ms. Elyas presented some information at the very
 22 end. I denied the motion, but then implored her
 23 to get a lawyer. That was like maybe four, five
 24 months ago. We have been at this situation
 25 previously.

1 THE INTERPRETER: I do not want to have, by
 2 my side, an attorney who doesn't represent me, but
 3 who could possibly represent the interest of the
 4 other party. And I don't want that to happen.

5 THE COURT: In this matter the Court feels
 6 we have done all we can do. I think Ms. Elyas,
 7 frankly, has intentionally didn't go to the
 8 deposition. Also, I find that Ms. Elyas just
 9 doesn't tell the truth always about what happened.
 10 That's just my opinion. But I think when it comes
 11 to being selective on what she gets or doesn't
 12 get, I believe she got notice of the deposition.
 13 And the deposition was set at the date that was
 14 most convenient to her. And she did not respond
 15 or simply just blew it off.

16 THE INTERPRETER: I do not lie at all. I
 17 may have also a problem of forgetting, forgetting
 18 events and dates, that could be a possibility.
 19 But as far as I'm concerned, I don't lie.

20 THE COURT: So it's going to be the ruling
 21 of the Court that pursuant to the discovery
 22 sanction rule, this is not the first time we have
 23 had difficulty with discovery. We've had
 24 difficulties throughout the case. I have sort of
 25 overlooked it. But in light of all the

1 circumstances, and in light of all the time that's
 2 gone past, I find that Ms. Elyas intentionally did
 3 not go to this deposition. I'm going to dismiss
 4 the case.

5 THE INTERPRETER: I insist that my case
 6 should not be dismissed, because I still suffer
 7 the consequences of the accident. I have been
 8 asked to go to medical doctors, who were not
 9 really paying attention. And I think they are all
 10 serving the other party. So I appeal to you that
 11 the case should not be dismissed.

12 THE COURT: Well, we are going to dismiss
 13 without prejudice, and make sure you put in the
 14 order that we're doing it as a result of her
 15 failure to appear at the deposition. And that
 16 under the subrules that a fair disposition is to
 17 dismiss the case. So I'm going to dismiss the
 18 case pursuant to the discovery -- failure to
 19 appear discovery rule. Make sure you cite that in
 20 the court order, in case there is an appeal.

21 I don't feel -- I'm not going to conduct a
 22 hearing in regards to potential costs based on
 23 the 18 months or, I guess, you know, we have been
 24 involved with Ms. Elyas. I don't feel that she
 25 really has the economic wherewithal to pay any

1 costs. And I think under the current Court Rules
 2 I have to make that finding that she does before
 3 I can really do anything relative to costs. So I
 4 will deny the request for costs at this time.

5 INTERPRETER: I don't want my case to be
 6 dismissed. As far as financial costs are
 7 concerned, I will pay or ask people to help me
 8 including church people, I will pay them. I will
 9 pay them. I don't want my case to be dismissed.

10 THE COURT: I'm not going to assess any
 11 costs. I am going to dismiss the case. Her
 12 option is to file -- well, I guess she would have
 13 an appeal by right to the Court of Appeals.

14 INTERPRETER: Where can I appeal to if I
 15 have a right to appeal to? Where can I do it?

16 THE COURT: You have 21 days from the date
 17 of the order. The order hasn't been submitted
 18 yet. So once you get your copy of the order, you
 19 have 21 days.

20 INTERPRETER: Which of the cases? She said
 21 there are two cases. Which one is dismissed?

22 THE COURT: I'm dismissing both the first
 23 party and the third-party case. Both of them.

24 MS. ELYAS: I have 2017 case and I have
 25 2016 case.

1 THE COURT: Well, this is just the '16
 2 case. I am not aware of any other case. I hope I
 3 don't have it. Do I have those, too?

4 MR. COLLISON: Judge, my motion was based
 5 on the one in December 2014.

6 THE COURT: 2014?

7 MR. COLLISON: Yeah. But there are two
 8 others.

9 THE COURT: Yours is 2014?

10 MR. COLLISON: Right.

11 THE COURT: We would only be dismissing the
 12 case that they occurred in. So it's not the 2014
 13 case, is that it?

14 MR. COLLISON: Right. They have
 15 different --

16 MR. ENSLEN: Different dates of accidents,
 17 same lawsuit.

18 MS. REED: Yes.

19 THE COURT: So your case was the first
 20 accident, right?

21 MR. ENSLEN: Right. All the accidents are
 22 in the same case, Your Honor.

23 MR. COLLISON: They are all in one case
 24 combined.

25 THE COURT: I have a '16 number. What's

1 that?

2 MS. REED: There is a first and a
 3 third-party lawsuit from the 2014 accident. I
 4 know --

5 THE COURT: Is that the '16 case, though?

6 MS. REED: It's all within this case number
 7 16-815-NI.

8 THE COURT: That's the case I'm dismissing,
 9 16-815. All right?

10 MR. COLLISON: All right. Thank you, Your
 11 Honor.

12 MR. ENSLEN: Thank you.

13 THE COURT: Thank you.

14 INTERPRETER: She is asking, Judge, the
 15 process.

16 MS. ELYAS: I was objecting. Yes.

17 THE COURT: Well, ma'am, you need to get an
 18 attorney. I can't tell you the process. But you
 19 are eligible to file a claim of appeal with the
 20 Michigan Court of Appeals.

21 INTERPRETER: Am I dismissed?

22 THE COURT: Thank you very much.

23 INTERPRETER: I apologize again. I was
 24 looking for the right location.

25 THE COURT: Well, we are down here. It's

1 unusual, so that's understandable.

2 THE INTERPRETER: I went to the third
 3 floor.

4 THE COURT: All right. Thank you very
 5 much. Appreciate you coming in. Thank you.

6 (Proceedings concluded at 3:04 p.m.)

1 COUNTY OF INGHAM)
23 I, TERESA J. ABRAHAM, Certified
45 Shorthand Reporter in and for the County of
6 Ingham, State of Michigan, Thirtieth Judicial
78 Circuit Court, do hereby certify that the facts
9 stated in the foregoing pages are true and correct,
10 and comprise a complete, true and correct
11 transcript of the proceedings taken in this matter
12 on this the 10th day of January, 2018.
1314 _____
15 Teresa J. Abraham, CSR-3445
1617 Date: February 15, 2018
1819
20
21
22
23
24
25

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM

SARA ELYAS

v

EDWARD ANDREW JOHNSTON et al

Plaintiff (s)

DOCKET NO. 16-000815-NI-C30

Defendant (s)

JUDGE CLINTON CANADY III

NOTICE OF CASE EVALUATION

TO COUNSEL/PARTIES FOR THE ABOVE ENTITLED MATTER,
THIS CASE HAS BEEN SCHEDULED FOR CASE EVALUATION ON:

March 21, 2018 at the tentative time of 10:15 am.

Counsel/parties MUST call the ADR Coordinator at (517) 483-6500 ext. 6718 within 24 hours of the hearing for the exact time.

The case evaluation panel is:

NANCY A. WONCH
JAMES L. DALTON JR
NOLAN L ERICKSON

The case evaluation hearing will be held at the following location:
Veterans Memorial Courthouse, 313 West Kalamazoo Street, Floor 3R, Lansing, MI 48933.

RESPONSIBILITIES

In accordance with MCR 2.403, you are required to do the following AT LEAST 14 DAYS BEFORE THE HEARING DATE:

1. Each party must submit a check for \$75 made payable to the Ingham County Circuit Court to the ADR Coordinator. A person entitled to a fee waiver under MCR 2.002 is entitled to a waiver of such fee.
2. File three copies of a summary and supporting documents setting forth that party's factual and legal position on the issues presented by this action and a proof of service. The summary and proof of service shall be mailed/delivered to the ADR Coordinator at: P.O. Box 40771, Lansing, MI 48901 or 313 W. Kalamazoo St. Lansing, MI 48933.

IF FILING WITHIN TWO DAYS OF THE HEARING DATE, THAT PARTY SHALL HAND DELIVER THEIR BRIEFS OR SUMMARIES TO THE CASE EVALUATION PANEL MEMBERS. A PROOF OF SERVICE SHALL BE FILED WITH THE ADR COORDINATOR IN SUCH CIRCUMSTANCES.

FAILURE TO SUBMIT BRIEFS OR SUMMARIES WITHIN THE DESIGNATED TIME SUBJECTS THE OFFENDING PARTY TO A \$150 PENALTY IN ADDITION TO THE \$75 CASE EVALUATION FEE.
PLEASE NOTE THAT A POSTMARK DOES NOT CONSTITUTE TIMELY FILING.

JUL 26 2017

Date

Brandon Howard, ADR Coordinator

CERTIFICATE OF MAILING

I certify that copies of this notice were served upon counsel/parties by ordinary mail.

JUL 26 2017

Date

Brandon Howard, ADR Coordinator

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM

SARA ELYAS

v

EDWARD ANDREW JOHNSTON et al

Plaintiff (s)

DOCKET NO. 16-000815-NI-C30

JUDGE CLINTON CANADY III

Defendant (s)

**1ST AMENDED AS TO COUNSEL
NOTICE OF PRETRIAL AND
JURY TRIAL**

**TO COUNSEL/PARTIES FOR THE ABOVE ENTITLED MATTER:
THIS CAUSE HAS BEEN SCHEDULED FOR:**

**PRETRIAL CONFERENCE on
May 14, 2018 at 8:30 am**

**JURY TRIAL on
June 18, 2018 at 9:00 am**

at 313 W. KALAMAZOO ST., LANSING, MI 48933

O R D E R

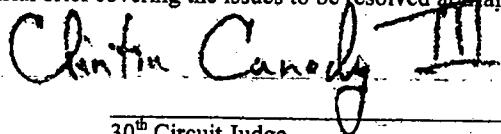
IT IS HEREBY ORDERED that counsel shall meet prior to the pretrial to mark exhibits and be prepared to discuss and advise the Court as to what exhibits can be agreed to for admission, authenticity, or other limited purposes.

IT IS HEREBY ORDERED THAT COUNSEL PREPARE AND BRING THE FOLLOWING TO PRETRIAL FOR ALL JURY TRIAL CASES:

1. A list of witnesses who are actually intended to be called at trial.
2. A list by number of all Model Civil Jury Instructions requested.
3. Any special jury instructions that will be requested.
4. A written copy of the elements of all civil claims, as well as any definitions, legal presumptions and burdens of proof, in a completed form suitable to provide to the jury in writing as required by MCR 2.513(A).

IT IS HEREBY ORDERED THAT COUNSEL PREPARE AND BRING THE FOLLOWING TO PRETRIAL FOR ALL NON-JURY CASES: A trial brief covering the issues to be resolved at trial and all pertinent law.

Dated: AUG 22 2017


Clinton Canady III

30th Circuit Judge

PROOF OF SERVICE

I certify that copies of this notice were served upon counsel/parties by ordinary mail.

Dated: AUG 22 2017


Brandon Howard
Case Processing Coordinator

SARA ELYAS
917 HARVEST LANE #3
LANSING, MI 48917

Copies Sent To:

SHANE JASON SHERMAN 3031 S WASHINGTON APT B10 LANSING MI 48916
CHAD RUSSELL FARQUHAR 849 N WATERLOO ST JACKSON MI 49202
MARILYN LOUISE MOSS 3031 S WASHINGTON APT B10 LANSING MI 48916
SHANIA MARIE FARQUHAR 538 BAKER ST LANSING MI 48910
DANIEL G. COLLISON 36168 5811 COLONY DR N PO BOX 6010 SAGINAW MI 48608
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STE 1000 LANSING MI 48933
JEFFREY O KLEIN 79209 2810 EAST BELTLINE LANE GRAND RAPIDS MI 49525

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

SARA ELYAS,

Plaintiff(s),

EDWARD ANDREW JOHNSTON, SHANE
JASON SHERMAN, AUTO OWNERS
INSURANCE COMPANY, CHAD RUSSELL
FARQUHAR, MARILYN LOUISE MOSS,

Defendant(s).

SCHEDULING CONFERENCE ORDER

Honorable Clinton Canady III

Docket No: 16-000815-NI-C30

At a session of said Court held in the City of
Lansing, County of Ingham, State of Michigan,
this 21 day of November, 2017.

PRESENT: The Honorable Clinton Canady III
30th Judicial Circuit Court Judge

IT IS HEREBY Stipulated and Agreed to the following:

1. Plaintiff's Expert Witnesses must be named no later than by: 10-15-2018
Defendant's Expert Witnesses must be named no later than by: 11-1-2017
All Other Witnesses must be named no later than by: 11-15-2017

**AFTER THESE DATES, EXCEPT FOR REBUTTAL WITNESSES, ADDITIONAL WITNESSES MAY
TESTIFY ONLY UPON MOTION FOR GOOD CAUSE**

2. Discovery shall be completed on or before: 12-28-18

**PURSUANT TO MCR 2.301, ADDITIONAL DISCOVERY PERMITTED BEYOND THIS
DATE ONLY UPON A MOTION FOR GOOD CAUSE.**

3. Motions to Amend Pleadings shall be filed and heard by: 11-1-17
4. Motions for Summary Disposition shall be filed and heard by: Case Evaluation
NOTICE:
 - a. MCR 2.116 MOTIONS must be scheduled at least 10 weeks in advance of when you want the motion heard. Please schedule with the Judicial Assistant at 517-483-6524.
 - b. There shall be no adding matters to be heard without permission of the Judicial Assistant i.e. each separate motion must be scheduled separately.
 - c. Any motion longer than one half hour (15 minutes each side) may be scheduled or moved by the court to a day other than on Wednesday's Motion Docket.
 - d. Filing and serving a Summary Disposition Motion and/or responsive pleading time frames shall be STRICTLY ADHERED TO. See MCR 2.116.
5. Motions in Limine shall be filed and heard no later than two weeks prior to Trial.
6. Judge's Copies of all Motions and Briefs shall be provided to the Judge through his Judicial Assistant seven (7) days prior to the date the motion is to be heard. Failure to do this may result in a rescheduling or in the non-consideration of the documents filed late.
7. The parties may submit this case to Facilitative Mediation pursuant to MCR 2.411.
The parties may be charged a fee by the facilitative mediator for untimely cancellations.

a. The mediator stipulated to is: *Mark Rubinson* *Robert Best*
b. Unless the parties stipulate to a mediator by the date specified in the Order Referring Case to facilitative Mediation, a mediator will be appointed from the approved list of mediators on a strictly rotational basis.

8. **Case Evaluation** (MCR 2.403) may be scheduled after 3-1-18 before a **TORT COMMERCIAL/LABOR & EMPLOYMENT Panel** (CIRCUIT COURT PANEL-ADR-ED-10)

Adjournments of Case Evaluation are not favored and shall be granted only if a specific replacement date has been obtained from the ADR Clerk (517) 483-6500 ext 6718. A new date may be scheduled only upon a showing of extraordinary circumstances and with explicit directions contained in an Order signed by the Judge. Any adjournments granted after the dates when briefs are due under MCR 2.403 shall require payment of a new case evaluation fee. Additional blocks of time may be requested by contacting the ADR clerk at least 28 days prior to the case evaluation date and must be accompanied by the additional fee.

9. **Community Dispute Resolution** (MCR 5.143) may be scheduled at the parties' request by contacting the Case Manager at (517) 485-2274.

10. **Settlement/Status Conference** pursuant to MCR 5.143, may be scheduled at the parties' request, either in person or by telephone by contacting the Judicial Assistant at (517) 483-6524 or by Court order.

11. If this is a **Court of Claims** case: Plaintiff must file a **MOTION TO CONSOLIDATE** or certify in writing not more than 60 days after an Answer is filed by Defendant, why this case cannot be consolidated with any "companion" Circuit Court Case.

12. Trial will be scheduled after 4-1-18, 20th by the Case Processing Coordinator who will schedule both Pre-Trial and Trial dates. These dates may be changed by the Court by stipulation of the parties and approval of the Court. **CLIENTS MUST BE PRESENT AT TRIAL.**

a. The parties request a Jury Trial ; estimated length of Jury Trial 5 days
Proposed Jury Instructions shall be agreed to by Counsel no later than 2 weeks before trial and presented to the Court no later than the day of trial. The Court will decide any conflict by Motion, or on the day of Jury Selection/Trial, as appropriate.

b. The parties request a Bench Trial ; estimated length of Bench Trial

13. **ALL STIPULATED AMENDMENTS** to this Order shall be submitted to this Court and shall include new dates for the Court's approval and signature, however, parties may stipulate to adjourn the Pre-Trial/Trial once without prior Court approval. After that, good cause must be shown to the Court and written permission received with a new scheduled date.

14. Failure to comply with this Court's Order, time and notification requirements, and **MANDATORY ADR** may result in Contempt of Court sanctions.

15. The Plaintiff, except for Court of Claims matters, hereby certifies that this case exceeds \$25,000.00; or it may be dismissed by the Court.

STIPULATED BY:

S. Elyas PSS 980 Attorney
Fd SARA ELYAS (PRO PER)
Plaintiff

D. G. Collision (P36168) with com.
DANIEL G. COLLISON (P36168)
Attorney for Defendant

Gary C. Rogers (P29083)
GARY C. ROGERS (P29083)
Attorney for Defendant

ORDER

THIS HONORABLE COURT having reviewed the Stipulation of Counsel and being satisfied, now therefore, IT IS SO ORDERED.

Hon. Clinton Canady III (P-23262)
30th Circuit Court Judge

PROOF OF SERVICE

I certify that copies of this Order were served upon all counsel/parties of record via First Class U.S. Mail, and the ADR Clerk /Case Processing Coordinator via County Courier on: _____

Valerie L. Roper
Judicial Assistant to Judge Canady

cc: ADR/CPC Clerk

**Additional material
from this filing is
available in the
Clerk's Office.**