

STATE OF MICHIGAN
IN THE 46th CIRCUIT COURT
OTSEGO COUNTY

MOORE MURPHY HOSPITALITY, LLC
D/B/A IRON PIG SMOKEHOUSE,
Petitioner-Appellant,

File No.:21-18522-AE
Hon. Colin G. Hunter

vs.

MICHIGAN DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
Respondent-Appellee.

**ORDER REGARDING RESPONDENT'S "MOTION FOR IMMEDIATE
CONSIDERATION OF MOTION FOR CLARIFICATION OR, IN THE ALTERNATIVE, TO
STAY PENDING APPEAL"**

The Court has received a motion and brief filed by Respondent and has reviewed each in detail. Though the motion purports to rely upon MCR 2.119, Respondent has not demonstrated any palpable error nor has it otherwise convinced the Court of any need to reconsider its prior Opinion and Order.

Separately, MDHHS cites MCR 2.614(A) and asks the Court to issue a stay of the prior Opinion and Order pending Respondent's impending appeal of the determinations. However, though styled as an ex parte request/motion for immediate consideration, the Court is not convinced that irreparable harm exists such that the Court should take any further action before hearing from each party. In particular, given the extensive previous briefing by each of the parties involved in this matter in addition to the complexity of the legal issues, the Court finds it more appropriate to invite involvement by each party before making any further determinations.

Accordingly, the Court will permit Respondent to contact the Court and secure a hearing date where the Court will allow oral argument from each side before making any determination.

Finally, as Respondent's motion is being denied on an ex parte basis and because Respondent has had the additional opportunity to file and have the Court consider a detailed brief regarding its position, the Court will also permit Petitioner to file a response to the motion, if Petitioner desires, before the scheduled hearing. Any such response must be filed consistent with the Michigan Court Rules in terms of page length, time for filing, and any other requirement. No further briefing from either party will be considered on these issues by the Court.

IT IS SO ORDERED.

Date: 1-20-22



Hon. Colin G. Hunter
46th Circuit Court
Otsego County

PROOF OF SERVICE

I certify that copies of this Order were mailed to the parties and/or their attorneys by first class mail this date.

Date mailed: 1/20/22



Clerk