# Order

**Michigan Supreme Court**
**Lansing, Michigan**

May 20, 2026

168634-9

SC: 168634, 168635
COA: 366202, 366766
Calhoun CC: 2022-000973-CC

Megan K. Cavanagh,
Chief Justice

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

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MICHIGAN GAS UTILITIES CORPORATION,
Plaintiff-Appellant,
v

E. RICHARD MIDLAM, JR., and LISA R. MIDLAM, Co-Trustees of the EARL R. MIDLAM AND HAZEL M. MIDLAM TRUST,
Defendants-Appellees,

and

CONSUMERS POWER COMPANY, CONSUMERS ENERGY COMPANY, CONSUMERS ENERGY, MICHIGAN BELL TELEPHONE COMPANY, EXXON COAL RESOURCES, GARY TROLZ, MATRIX EXPLORATION & DEVELOPMENT, LUCAS EXPLORATION & DEVELOPMENT, STRICKLER RESOURCES LP, DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT, CALHOUN COUNTY ROAD COMMISSION, PETER S. LUCYSHYN, Trustee of the MYMACHOD TRUST, AT&T, and DOUBLE EAGLE FARMS II, CO.,
Defendants.

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SC: 168636, 168637
COA: 366204, 366767
Calhoun CC: 2022-000983-CC

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MICHIGAN GAS UTILITIES CORPORATION,
Plaintiff-Appellant,

v

E. RICHARD MIDLAM, JR., and LISA R. MIDLAM, Co-Trustees of the EARL R. MIDLAM AND HAZEL M. MIDLAM TRUST,
Defendants-Appellees,

and

MICHIGAN BELL TELEPHONE COMPANY, GARY TROLZ, GLYNN TROLZ AND ASSOCIATES, INC., MATRIX EXPLORATION & DEVELOPMENT, LUCAS EXPLORATION & DEVELOPMENT, WEST BAY EXPLORATION COMPANY, STRICKLER RESOURCES LP, TIMMUS ENERGY PARTNERS, INC., POLARIS ENERGY, INC., NOVERR ENTERPRISES, LLC, TONI S. TONDA, JES ENTERPRISES, LLC, JES INVESTMENTS, LLC, JEFFREY S. SOBECK, SNH HOLDINGS, PETER NOVERR, CASEY COWELL, INNOVA EXPLORATION, INC., CHERRY RIVER INVESTMENTS, LLC, JORDAN DEVELOPMENT COMPANY, LLC, ROCK OIL COMPANY, LLC, TREDWELL ENERGY CORPORATION, TIMOTHY L. BAKER, JIM BOWSER, GARY GOTTSCHALK, HARRY L. GRAHAM, MATT JOHNSTON, MURRAY MATSON, ERIC MAYFIELD, SHEILA MAYFIELD, MORRIS A. MICELI, DAVID RATAJ, KEITH SCHAUB, BENNETT L. SMITH, III, BENNETT LAWSON SMITH, III, TRUST, MARY VANCE TUCKER STILLWELL TRUST, LUCY LEA TUCKER TRUST, ROBERT E. TUCKER, JR., MATTHEW A. JOHNSTON and KELLY L. JOHNSTON, Co-Trustees of the JOHNSTON TRUST, CALHOUN COUNTY WATER RESOURCES COMMISSION, DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT, PETER S. LUCYSHYN, Trustee of the MYMACHOD TRUST, AT&T, L. NICHOLAS & NANCY RUWE CHARITABLE TRUST, JOHN SCHMITZ, Personal Representative of the ESTATE OF N. RUWE, CALHOUN COUNTY BOARD OF COMMISSIONERS, CONSUMERS ENERGY COMPANY, CONSUMERS ENERGY, CONSUMERS POWER COMPANY, and DOUBLE EAGLE FARMS II, CO.,
Defendants.

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SC: 168638
COA: 367103
Calhoun CC: 2022-000973-CC

MICHIGAN GAS UTILITIES CORPORATION,
Plaintiff-Appellant,

v

E. RICHARD MIDLAM, JR., and LISA R. MIDLAM, Co-Trustees of the EARL R. MIDLAM AND HAZEL M. MIDLAM TRUST, CONSUMERS POWER COMPANY, CONSUMERS ENERGY COMPANY, CONSUMERS ENERGY, MICHIGAN BELL TELEPHONE COMPANY, EXXON COAL RESOURCES, GARY TROLZ, MATRIX EXPLORATION & DEVELOPMENT, LUCAS EXPLORATION & DEVELOPMENT, STRICKLER RESOURCES LP, DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT, CALHOUN COUNTY ROAD COMMISSION, PETER S. LUCYSHYN, Trustee of the MYMACHOD TRUST, and AT&T,
Defendants,

and

DOUBLE EAGLE FARMS II, CO.,
Defendant-Appellee.

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SC: 168639
COA: 367104
Calhoun CC: 2022-000983-CC

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MICHIGAN GAS UTILITIES CORPORATION,
Plaintiff-Appellant,

v

E. RICHARD MIDLAM, JR., and LISA R. MIDLAM, Co-Trustees of the EARL R. MIDLAM AND HAZEL M. MIDLAM TRUST, MICHIGAN BELL TELEPHONE COMPANY, GARY TROLZ, GLYNN TROLZ AND ASSOCIATES, INC., MATRIX EXPLORATION & DEVELOPMENT, LUCAS EXPLORATION & DEVELOPMENT, WEST BAY EXPLORATION COMPANY, STRICKLER RESOURCES LP, TIMMUS ENERGY PARTNERS, INC., POLARIS ENERGY, INC., NOVERR ENTERPRISES, LLC, TONI S. TONDA,

JES ENTERPRISES, LLC, JES INVESTMENTS, LLC, JEFFREY S. SOBECK, SNH HOLDINGS, PETER NOVERR, CASEY COWELL, INNOVA EXPLORATION, INC., CHERRY RIVER INVESTMENTS, LLC, JORDAN DEVELOPMENT COMPANY, LLC, ROCK OIL COMPANY, LLC, TREDWELL ENERGY CORPORATION, TIMOTHY L. BAKER, JIM BOWSER, GARY GOTTSCHALK, HARRY L. GRAHAM, MATT JOHNSTON, MURRAY MATSON, ERIC MAYFIELD, SHEILA MAYFIELD, MORRIS A. MICELI, DAVID RATAJ, KEITH SCHAUB, BENNETT L. SMITH, III, BENNETT LAWSON SMITH, III, TRUST, MARY VANCE TUCKER STILLWELL TRUST, LUCY LEA TUCKER TRUST, ROBERT E. TUCKER, JR., MATTHEW A. JOHNSTON and KELLY L. JOHNSTON, Co-Trustees of the JOHNSTON TRUST, CALHOUN COUNTY WATER RESOURCES COMMISSION, DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT, PETER S. LUCYSHYN, Trustee of the MYMACHOD TRUST, AT&T, L. NICHOLAS & NANCY RUWE CHARITABLE TRUST, JOHN SCHMITZ, Personal Representative of the ESTATE OF N. RUWE, CALHOUN COUNTY BOARD OF COMMISSIONERS, CONSUMERS ENERGY COMPANY, CONSUMERS ENERGY, and CONSUMERS POWER COMPANY,
Defendants,

and

DOUBLE EAGLE FARMS II, CO.,
Defendant-Appellee.

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By order of November 21, 2025, while retaining jurisdiction, we remanded this case to the Court of Appeals to consider whether the issues raised in the defendants-appellees' applications for leave to appeal filed in the Court of Appeals were rendered moot given the project's completion before the parties applied for leave to appeal. On order of the Court, the Court of Appeals opinion on remand having been issued January 16, 2026, the application for leave to appeal is again considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(I)(1). The parties shall file supplemental briefs in accordance with MCR 7.312(E), addressing whether: (1) the issues raised in the defendants-appellees' applications for leave to appeal filed in the Court of Appeals were

rendered moot given the failure to timely appeal the circuit court's initial necessity determination or given the project's completion before the parties applied for leave to appeal; (2) given the condemnation procedures set forth in the Uniform Condemnation Procedures Act (UCPA), MCL 213.51 *et seq*., the Court of Appeals acquired jurisdiction to consider on appeal duplicate rulings by the circuit court after the time to appeal the circuit court's initial determination upholding the necessity of the public project had expired; (3) the circuit court lacked subject-matter jurisdiction where the plaintiff-appellant failed to submit a good faith offer to an owner it did not know existed given the procedure for submitting good faith offers set forth in MCL 213.55 of the UCPA; and (4) the Court of Appeals correctly held that the plaintiff-appellant was required to use the prefiling discovery mechanisms set forth in MCL 213.55(2) of the UCPA to identify owners for the purpose of submitting a good faith offer under MCL 213.55(1) of the UCPA. The total time allowed for oral argument shall be 40 minutes: 20 minutes for the appellant, and 20 minutes for the appellees, to be divided at their discretion. MCR 7.314(B)(2).

The State Bar of Michigan Government Law and Administrative & Regulatory Law Sections are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case who are not exempt from the motion requirement under MCR 7.312(H) may move the Court for permission to file briefs amicus curiae.

HOOD, J., not participating because he was on the Court of Appeals panel at an earlier stage of the proceedings.




I, Elizabeth Kingston-Miller, 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.

May 20, 2026

Clerk