State of Michigan
Court of Claims

MICHAEL F. GADOLA
CHIEF JUDGE

MICHAEL J. RIORDAN
SIMA G. PATEL
RANDY J. WALLACE
JUDGES

JEROME W. ZIMMER JR.
CLERK

October 15, 2026

Case Name: Smith v Kerr
Case No.: 26-0000171-MZ

Dear Counsel,

The above-referenced case has been assigned to me, and it is time to enter a scheduling order. My preference is to allow counsel to draft a scheduling order since you know the case and its needs better than I do.

Within the next 14 days, please prepare a stipulated scheduling order. If the parties cannot agree on dates, each party should submit a scheduling proposal and the Court will choose the dates.

The stipulation and order should provide dates for the following:

1. **Exchange of Initial Disclosures Per MCR 2.302 –** The parties shall file a copy of their initial disclosures with the Court Clerk.

2. **Witness List Deadline –** Witness lists for all parties shall be due the same day. The parties may request different dates for the filing of lay witnesses and expert witnesses.

3. **Completion of Mediation –** Parties are strongly encouraged to engage in alternative dispute resolution. If a mediator is selected, the parties shall notify the Court of their selection and the expected date of mediation. If the parties wish to mediate but are unable to agree on a mediator, they should advise the Court and the Court will appoint one with costs to be split equally between the parties. The parties may also request a mediation or settlement conference conducted by a Court of Claims judge not assigned to the matter.

4. **Completion of Discovery –** The parties may stipulate to an extension of discovery providing it does not require adjournment of any other dates. Otherwise an extension of discovery shall be granted only on a showing of good cause.

Deadline for Filing of Dispositive Motions – Dispositive motions must comply with MCR 2.116 and shall be filed before the deadline established in the scheduling order. Response briefs are due 21 days after the motion is filed and reply briefs are due 7 days after the response is filed. The court will set a hearing date if it determines that a hearing is necessary. Parties are strongly

encouraged to move for summary disposition on all grounds available at the time the motion is filed and avoid serial summary disposition motions. Parties are directed to bookmark all PDF exhibits filed with a motion. As relates to dispositive motions under MCR 2.116(C)(6), MCR 2.116(C)(7), MCR 2.116(C)(8), and MCR 2.116(C)(10), one and only one motion may be filed as a matter of right. Any additional dispositive motions require leave of the Court.

WARNING: If the non-movant fails to timely file a response to a motion, including a dispositive motion, the Court may, in its discretion, consider the motion unopposed and grant the motion on that basis. The parties may stipulate or move for an extension of response deadlines.

6. **Related Circuit Court Cases** - If the case has a companion Circuit Court matter pending, the stipulation should include the name, county of filing and docket number of the Circuit Court case. If a scheduling order has been issued in the Circuit Court case, it should be submitted with the proposed scheduling order. If consolidation will be sought, the Court should be notified as early as possible.

The parties are also advised as to the following:

Motion Practice – Non-dispositive motions may be filed at any time and should comply with MCR 2.119. Response briefs to non-dispositive motions are due 14 days after the filing of the motion and reply briefs are due 7 days after the filing of the response. Parties are directed to bookmark all PDF exhibits filed with a motion.

Trial, Final Pretrial and Motions in Limine – Dates for trial and final pre-trial will be set by the Court. All motions in limine shall be filed no less than 21 days before trial and heard no less than 7 days before trial. Parties are encouraged to file motions in limine as early as possible. Parties are directed to bookmark all PDF exhibits filed with a motion.

Status Conferences – The Court will schedule status conferences as needed. If the parties believe that a status conference is needed at any point during the litigation the Court should be notified.

Settlement Conference – If the parties believe a settlement conference would be helpful, a different Court of Claims judge will conduct a conference upon request.

Thank you for your cooperation.

Very truly yours,

Sima G. Patel,
Court of Claims Judge

SGP/jb