STATE OF MICHIGAN

COURT OF CLAIMS

PETER FORMOLO, JR.,

Plaintiff,

v

Case No. 26-000189-MZ

MICHIGAN DEPARTMENT OF CORRECTIONS,

Hon. Randy J. Wallace

Defendant.
_____ /

FIRST SCHEDULING ORDER AND ORDER FOR SCHEDULING CONFERENCE

IT IS HEREBY ORDERED:

1. A scheduling conference for this matter will take place, via Zoom videoconferencing, on **February 24, 2027, at 10:00 a.m.** The Court will provide Zoom information.

2. At least seven (7) days prior to the scheduling conference, each party shall email a judge's copy of their initial respective disclosures and any supplemental disclosures to Court of Claims Commissioner Vicki Malacina at the following email address: Vmalacina@courts.mi.gov. The judge's copy of the disclosures need not include any attachments that were sent with the disclosures and it need not be marked "judge's copy." Parties who have filed their initial disclosures with the Court are not required to provide a judge's copy.

3. Prior to the scheduling conference, any parties wishing to conduct discovery in this matter shall conduct initial discovery consistent with Subchapter 2300 of the Michigan Court Rules including, but not limited to, the following: exchange of initial disclosures, initial interrogatories and requests for production of documents (when applicable), and depositions upon oral examination of the parties and other witnesses (when applicable). The parties are instructed to be mindful of MCR 2.302(D), which states, "Unless the court orders otherwise, methods of discovery may be used in any sequence, and the fact that a party is conducting discovery, whether by deposition or otherwise, does not operate to delay another party's discovery."

4. At the scheduling conference each party and/or their counsel shall be prepared to address all of the following:

Whether the pleadings are in order, i.e., whether any additional time is required to file amended pleadings;

The amount of additional time needed, if any, to file a list of witnesses expected to testify at trial, including experts;

The amount of time needed, if any, for additional discovery;

Whether the parties anticipate the filing of any dispositive motions;

Whether the parties wish to submit the matter to mediation and, if so, the names of potential mediators.

5. If a party serves timely initial disclosures upon all opposing parties and provides a judge's copy to the Court as indicated above, and those disclosures include a list of all of the lay witnesses and expert witnesses that the party intends to call at time of trial, then that party is not required to file a witness list in this matter, unless the Court orders the parties to file a trial witness list.

6. Subsequent to the scheduling conference, a second scheduling order will be issued for this matter; however, the Court again notes that the parties seeking discovery shall initiate discovery, as described above, prior to the issuance of the second scheduling order.

Date: October 22, 2026

Hon. Randy J. Wallace
Judge, Court of Claims