

THOMAS G. POWER
KEVIN A. ELSENHEIMER
CIRCUIT JUDGES

State of Michigan



COUNTIES
ANTRIM
GRAND TRAVERSE
LEELANAU

TERI QUINN
COURT ADMINISTRATOR

Thirteenth Judicial Circuit

328 WASHINGTON STREET, SUITE 300
TRAVERSE CITY, MICHIGAN 49684
(231) 922-4701
c13court@13thcircuitcourt.org
www.13thcircuitcourt.org

To: Attorneys and Legal Staff practicing in the 13th Circuit Court before:

Hon. Kevin A. Elsenheimer
Hon. Thomas G. Power
Hon. Stacey L. Truesdell
Hon. Matthew N. Hagen

From: Teri Quinn, Circuit Court Administrator

Date: December 5, 2019

Re: 13th Judicial Circuit Court
2020 Civil/Family Division Motion Days

Attached you will find the following listings:

- ❖ Motion/Settlement Conference Practice
- ❖ Civil/Family Division Motion Days for the year 2020
- ❖ Divorce and Domestic Relations Procedures

Practitioners are reminded to utilize this Court's motion practice for scheduling of discovery and civil/domestic relations *non-evidentiary* motions. Details of the Court's motion practice are attached.

Please distribute this packet to all members of your staff.

Note: DATES ARE SUBJECT TO CHANGE.

Please check the 13th Circuit Court website at www.13thcircuitcourt.org to confirm dates prior to scheduling a non-evidentiary motion.

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MEMORANDUM

To: Attorneys and Legal Staff practicing in the 13th Circuit Court before
Hon. Kevin A. Elsenheimer and the Hon. Thomas G. Power

From: Teri Quinn, Circuit Court Administrator

Date: December 5, 2019

Re: Motion/Settlement Conference Practice

The Court initiated its motion practice in 1994. The current schedule reflects minor changes made since then. Attorneys may self-notice appropriate civil motions for hearing as described herein.

In all counties in the Circuit, motions are generally heard on Mondays. In Grand Traverse County, each Judge has two motion days per month. Each Judge presides over one motion day each month in Antrim and Leelanau Counties. Copies of the motion days are e-mailed annually.

Discovery motions are heard in Grand Traverse County at 8 a.m.; civil/domestic relations non-evidentiary motions are heard at 8 a.m. and 1:30 p.m. In Antrim County, discovery and civil non-evidentiary motions are heard at 11:00 a.m. In Leelanau County, these motions may be set at 10:30 a.m.

Since the implementation of MiFILE, Judges' copies are no longer accepted.

GENERAL

Michigan Court Rules governing motion practice will be strictly enforced. The Court expects the parties to confer and make every reasonable effort to resolve issues.

Civil matters which the attorneys may schedule for hearing at the civil non-evidentiary time slots -- 8 a.m. or 1:30 p.m. in Grand Traverse County; 11:00 a.m. in Antrim County; or 10:30 a.m. in Leelanau County -- include, but are not limited to:

Motion for Alternative Service	Motion to Enter a Judgment
Motion to Amend Complaint	Motion to Enter an Order
Motion for Change of Venue	Motion to Join Parties
Motion to Comply with a Judgment	Motion for Sanctions/Fees
Motion to Comply with an Order	Motion to Withdraw

SUMMARY DISPOSITION

In that these motions require greater preparation time for the Court, summary disposition motions will be scheduled by the Court on motion days at 10:30 a.m. in Grand Traverse County, at 8:30 a.m. in Antrim County, and at 8:30 a.m. in Leelanau County. The Court will schedule and hear the motions on a first-come, first-served basis. Only two summary disposition motions will be scheduled on any motion day.

PRO CONS will be set by the Circuit Court Administrator's Office to be heard shortly after expiration of the statutory waiting period.

Hearings regarding Family Division matters will be scheduled on Circuit Court motion days.

For the coming year, Circuit Court motion days in general are as follows:

Hon. Thomas G. Power	Grand Traverse County: 2 nd and 4 th Mondays Antrim County: 2 rd Monday Leelanau County: 4 th Monday
Hon. Kevin A. Elsenheimer	Grand Traverse County: 1 st and 3 rd Mondays Antrim County: 3 rd Monday Leelanau County: 1 st Monday

Due to vacations, holidays, mandatory judicial conferences, etc., adjustments to the Court's calendar will be made during the year. **Prior to any scheduling, please check the 13th Circuit Court website to confirm the Judge's motion dates.**

CRIMINAL PROCEEDINGS

PLEAS (OTHER THAN THOSE PLEAS TAKEN AT ARRAIGNMENTS, PRE-TRIALS OR FINAL CONFERENCES), SENTENCINGS AND MOTION HEARINGS will be scheduled by the Court.

In Grand Traverse County, each Judge will preside over criminal matters generally on alternating Fridays. In Antrim County criminal proceedings will be heard on the above-described Monday motion days. In Leelanau County, criminal proceedings will be heard on the above-described Monday motion days.

ARRAIGNMENTS will be scheduled at 9 a.m. on Fridays in Grand Traverse County. In Antrim County arraignments will be at 8 a.m. on the Monday motion days. In Leelanau County arraignments will be at 8 a.m. on the Monday motion days. Counsel is expected to complete the arraignment in District Court following the bindover or file a Waiver of Arraignment unless bond issues need to be heard at a Circuit Court arraignment.

DRIVER'S LICENSE RESTORATION PETITIONS are to be presented to the Court with a proposed order for a hearing. For these appeals, an updated driving record and transcript of the administrative hearing must be presented with the petition. At the discretion of the Judge, hearings will be set at 2:30 p.m. in Grand Traverse County, at 11 a.m. in Leelanau County, and at 10:30 a.m. in Antrim County.

SETTLEMENT CONFERENCES

Judge Power conducts settlement conferences generally on alternating Tuesdays and Judge Kevin A. Elsenheimer conducts settlement conferences generally on the opposing Tuesdays. All settlement conferences are held in Traverse City. Refer to the Settlement Conference Day procedure as shown on the next page. Full compliance with the settlement conference provisions of the scheduling order is required.

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SETTLEMENT CONFERENCE PROCEDURE

Settlement conferences are scheduled to commence at 9 a.m. The following process outlines this Court's format for effective handling of the cases set for each settlement conference day. The system is designed to put the primary responsibility for settlement on counsel and the parties, with the Court's resources applied first to those cases in which counsel and the parties have had productive negotiations and, later, to more difficult cases.

- 1) At 9 a.m., all counsel and unrepresented parties are to check in the Court Administrator's Office located in the Historic Courthouse on the third floor.
- 2) Parties that have a settlement will be directed to the Courtroom and will put the settlement on the record in the order that cases appear on the docket.
- 3) Attorneys and unrepresented parties who report that they have had recent productive settlement negotiations will meet, in the order that cases appear on the schedule, with either the Court Administrator or the Judicial Staff Attorney. Other counsel and parties are encouraged during this time to commence settlement negotiations.
- 4) Periodically, the Court Administrator or the Judicial Staff Attorney will check in with counsel and unrepresented parties to learn the status of negotiations. The Judges will be available for successive meetings with counsel and unrepresented parties as needed.
- 5) The Court and its staff intend to work diligently to explore settlement. Counsel, parties and insurance representatives are expected to stay until 5 p.m. (breaking for lunch) and should not expect to leave to address other cases or conflicts. The Plaintiff is responsible for promptly notifying the Court of lien claimants, contact persons and their addresses so they may be ordered to attend.
- 6) All written materials and exhibits must be MiFiled with the Court consistent with the Civil Scheduling Conference Order. Dismissal or default will be entered for non-appearance or failure to provide written documents as stated in the Civil Scheduling Conference Order.

2020 SETTLEMENT CONFERENCE DAYS

Judge Elsenheimer

*Tuesday unless otherwise noted

Judge Power

*Tuesday unless otherwise noted

January 14	January 7
January 28	January 22
February 11	February 4
February 25	February 19
March 24	March 3
	March 17
April 14	April 7
April 27	April 21
May 12	May 5
May 26	May 19
June 9	June 2
June 23	June 16
July 14	July 7
July 28	July 21
August 11	August 4
August 25	August 18
September 8	September 1
September 22	September 15
October 13	October 6
October 27	October 20
November 10	November 3
November 24	November 17
December 8	December 1
December 22	December 15

Updated: 12/2/19

2020 CIVIL/FAMILY DIVISION MOTION DAYS

DATES ARE SUBJECT TO CHANGE - PLEASE CONFIRM

JUDGE ELSENHEIMER

JUDGE POWER

Jan 6 Jan 13 Jan 21 Jan 27	Leelanau Grand Traverse Antrim Grand Traverse	Jan 6 Jan 13 Jan 21 Jan 27	Grand Traverse Antrim Grand Traverse Leelanau
Feb 3 Feb 10 Feb 18 Feb 24	Leelanau Grand Traverse Antrim Grand Traverse	Feb 3 Feb 10 Feb 18 Feb 24	Grand Traverse Antrim Grand Traverse Leelanau
March 16 March 16 March 17 March 23	Antrim AM ONLY Grand Traverse PM ONLY Leelanau Grand Traverse	March 2 March 9 March 16 March 23	Grand Traverse Antrim Grand Traverse Leelanau
April 6 April 13 April 27 April 28	Leelanau Grand Traverse Grand Traverse Antrim	April 6 April 13 April 20 April 27	Grand Traverse Antrim Grand Traverse Leelanau
May 4 May 11 May 18 May 26	Leelanau Grand Traverse Antrim Grand Traverse	May 4 May 11 May 18 May 26	Grand Traverse Antrim Grand Traverse Leelanau
June 1 June 8 June 15 June 22	Leelanau Grand Traverse Antrim Grand Traverse	June 1 June 8 June 15 June 22	Grand Traverse Antrim Grand Traverse Leelanau

July 6 July 13 July 20 July 27	Leelanau Grand Traverse Antrim Grand Traverse	July 6 July 13 July 20 July 27	Grand Traverse Antrim Grand Traverse Leelanau
Aug 3 Aug 10 Aug 17 Aug 24	Leelanau Grand Traverse Antrim Grand Traverse	Aug 3 Aug 10 Aug 17 Aug 24	Grand Traverse Antrim Grand Traverse Leelanau
Sept 8 Sept 14 Sept 21 Sept 28	Leelanau Grand Traverse Antrim Grand Traverse	Sept 8 Sept 14 Sept 21 Sept 28	Grand Traverse Antrim Grand Traverse Leelanau
Oct 5 Oct 12 Oct 19 Oct 26	Leelanau Grand Traverse Antrim Grand Traverse	Oct 5 Oct 12 Oct 19 Oct 26	Grand Traverse Antrim Grand Traverse Leelanau
Nov 2 Nov 9 Nov 17 Nov 23	Leelanau Grand Traverse Antrim Grand Traverse	Nov 2 Nov 9 Nov 16 Nov 23	Grand Traverse Antrim Grand Traverse Leelanau
Dec 7 Dec 14 Dec 21 Dec 28	Leelanau Grand Traverse Antrim Grand Traverse	Dec 7 Dec 14 Dec 21 Dec 28	Grand Traverse Antrim Grand Traverse Leelanau

Updated: 10/28/19

****DATES ARE SUBJECT TO CHANGE****

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DIVORCE AND DOMESTIC RELATIONS PROCEDURES FOR JUDGE POWER AND JUDGE ELSENHEIMER

Divorces and other domestic relations cases are administered by the assigned Judge's office. The following procedures apply to all divorce cases assigned to Judge Kevin A. Elsenheimer and Judge Power. The offices of the Family Division Judges should be contacted for their specific procedures.

FAMILY DIVISION MATTERS

The Circuit Court Administrator's Office handles all Family Division administrative tasks for Judge Power, Judge Elsenheimer, and the Referees in all three Counties.

Judgments and orders documenting the resolution of issues and motions are to be MiFiled and will be routed to the Friend of the Court, Referees and Judges.

CIRCUIT COURT REFEREE MATTERS

All matters to be heard by the Referees will be scheduled by the Circuit Court Administrator's Office. When a matter resolves prior to a scheduled Referee hearing, counsel is to submit a proposed order via MiFILE for processing to the assigned Referee for approval and signature. If applicable, the Circuit Court Administrator's Office will forward the order to the assigned Judge for review and signature.

UNCONTESTED DIVORCES

Pro con divorces assigned to Judge Power and Judge Elsenheimer will be scheduled and notices will be electronically served by the Circuit Court Administrator's Office pursuant to Local Administrative Order 2010-4. The hearing will be set for a date shortly after the expiration of the statutory waiting period.

Divorces with minor children and divorces without minor children are assigned to the Family Division Judges in Antrim County and in Leelanau County. Fifty percent (50%) of Grand Traverse County divorces with minor children are assigned to Judge Power and Judge Elsenheimer. The balance of the cases are assigned to Judge Stanton. These procedures apply to Judge Power and Judge Elsenheimer, only. The offices of the Family Division Judges should be contacted for their specific procedures.

Please note: Pre-Trial Statements will be issued and electronically served by the Circuit Court Administrator's Office pursuant to Local Administrative Order 2010-4 upon the filing of an appearance or answer on behalf of the Defendant for divorces with minor children.

CONTESTED DIVORCES

Divorce cases are automatically scheduled for a pro con date upon filing. If it appears that the matter will not be resolved prior to that date, the Circuit Court Administrator's Office should be notified. The pro con date will be removed and Pre-Trial Statements will be issued.

Pre-Trial Statements should be completed and MiFiled with the Court. Copies will automatically be exchanged with opposing counsel via MiFILE. The Circuit Court Administrator's Office will then prepare and forward the Domestic Relations Scheduling Order, Settlement Conference and Trial notices electronically pursuant to Local Administrative Order 2010-4.

MOTIONS

Original motions and briefs are to be MiFiled with the Court Clerk and the motion will be set for hearing.

Non-evidentiary hearings, in divorces without minor children, will usually be set for the assigned Judge's motion day in their respective counties.

The originals of all new complaints, emergency motions, ex parte motions and related requests for hearings must be filed with the Clerk's office for further processing. All emergency motions, ex parte motions and related requests for hearings for pre-existing cases are to be MiFiled for further processing. Such motions will be handled in accordance with the procedures described above.

PERSONAL PROTECTION ORDERS

Petitions for Personal Protection Orders in Grand Traverse County are to be submitted to Family Court Records in the Hall of Justice.

In Antrim and Leelanau Counties, all Petitions for Personal Protection Orders are to be submitted directly to the presiding Family Division Judge.

All motions and objections to Personal Protection Orders must be MiFiled.

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CIRCUIT COURT REFEREE SETTLEMENT CONFERENCE DAYS

Settlement conferences before the Circuit Court Referees are scheduled to commence at 9 a.m. in *Traverse City*. The following process outlines this Court's format for effective handling of the cases set for each settlement conference day. The system is designed to put the primary responsibility for settlement on counsel and the parties, with the Court's resources applied first to those cases in which counsel and the parties have had productive negotiations and, later, to more difficult cases.

- 1) At 9 a.m., all counsel, and unrepresented parties will assemble in the Courtroom for orientation by the Hon. Matthew N. Hagen or the Hon. Stacey L Truesdell. Referee Hagen or Referee Truesdell will explain the 'modified triage system' whereby the cases which require the least intervention by the Court will be dealt with first. As available, the Court will meet next with attorneys and parties who are in process of settlement, i.e., have had recent productive settlement negotiations. Last to be dealt with directly by the Court will be cases which have failed to actively pursue settlement negotiations or claim to be at an impasse.
- 2) Immediately following the Referee's introductory remarks, settlements will be placed on the record in the order that cases appear on the schedule.
- 3) Attorneys and unrepresented parties who report that they have had recent productive settlement negotiations will meet, in the order that the cases appear on the schedule, with the Referee. Other counsel and parties are encouraged during this time to commence settlement negotiations.
- 4) Periodically, the Referee will check in with counsel and unrepresented parties to learn the status of negotiations. The Referee will be available for successive meetings with counsel and parties based on the narrowing of issues.
- 5) The Court intends to work diligently to explore settlement. Counsel and parties should be prepared to spend the entire day at the Court and should not expect to leave to address other cases or conflicts.
- 6) Dismissal of the issue before the Court will be entered for non-appearance or failure to comply with the Domestic Relations Scheduling Conference Order.