

KEVIN A. ELSENHEIMER
THOMAS G. POWER
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
Referee Matthew N. Hagen
Referee Steven W. Paciorka

From: Teri Quinn, Circuit Court Administrator

Date: December 28, 2020

Re: 13th Judicial Circuit Court
2021 Civil/Family Division Motion Days

I would like to begin by thanking our judicial partners that have worked with us side-by-side during the COVID 19 pandemic. With your help this court has continued to serve the public by conducting zoom hearings and trials and with an approved order of the State Court Administrative Office we continue to conduct trials in person when the COVID caseload percentages allow us to do so. We are looking forward to a smooth transition into 2021. We wish you good health in the coming New Year.

Attached you will find the following listings:

- ❖ Motion/Settlement Conference Practice
- ❖ Civil/Family Division Motion Days for the year 2021
- ❖ 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. You will also find useful information on our website www.13thcircuitcourt.org.

If you have scheduled vacation/time away from the office please submit your vacation notices via e-mail to c13court@13thcircuitcourt.org immediately. If we have you listed on our court calendar we will try to accommodate your request and will not schedule trials and/or motions on those dates.

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.

Our motion day packet references days that we *typically* schedule motions. Things are a little more erratic during the pandemic and we are making some adjustments to our calendar. Thank you for understanding our need to be flexible.

Please distribute this packet to all members of your staff.

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MEMORANDUM

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

From: Teri Quinn, Circuit Court Administrator

Date: December 28, 2020

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, Judge's copies are no longer necessary. If the assigned Judge wants a copy, the court will contact you to request one.

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.

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. Kevin A. Elsenheimer	Grand Traverse: 1st and 3rd Mondays Antrim County: 2 nd Monday Leelanau County: 1st Monday
Hon. Thomas G. Power	Grand Traverse: 2nd and 4th Mondays Antrim County: 3rd 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 www.13thcircuitcourt.org 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 and 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 and Leelanau Counties, 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.

2021 CRIMINAL DAYS

GRAND TRAVERSE

JUDGE ELSENHEIMER

Jan 4	Jan 15
Feb 5	Feb 19
Mar 5	Mar 19
Apr 2	Apr 15
May 5	May 21
June 2	June 18
July 2	July 16
Aug 6	Aug 20
Sep 3	Sep 17
Oct 1	Oct 15
Nov 5	Nov 19
Dec 3	Dec 17

JUDGE POWER

Jan 8	Jan 22
Feb 12	Feb 26
Mar 12	Mar 26
Apr 9	Apr 23
May 14	May 28
June 11	June 25
July 9	July 23
Aug 13	Aug 27
Sep 10	Sep 24
Oct 8	Oct 22
Nov 12	Nov 29
Dec 10	Dec 27

ANTRIM

Judge Elsenheimer

Judge Power

Jan 11 AM	Jan 19
Feb 8	Feb 16
Mar 8	Mar 15
Apr 12 AM	Apr 19
May 10	May 17
June 1	June 21
July 12	July 19
Aug 9	Aug 16
Sep 13	Sep 20
Oct 11	Oct 18
Nov 8	Nov 15
Dec 13	Dec 20

LEELANAU

Judge Elsenheimer

Judge Power

Jan 25	Jan 4 AM
Feb 22	Feb 1
Mar 22	Mar 1
Apr 9	Apr 5
May 24	May 3
June 28	June 7
July 26	July 6
Aug 23	Aug 2
Sep 27	Sep 7
Oct 25	Oct 4
Nov 22	Nov 1
Dec 27	Dec 6

**** Dates are Subject to Change ****

Updated: 12/9/20

SETTLEMENT CONFERENCE PROCEDURE

Judge Power conducts settlement conferences generally on alternating Tuesdays and Judge Kevin A. Elsenheimer conducts settlement conferences generally on alternating Fridays. All settlement conferences are held via zoom for all three counties.

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. During the pandemic we are scheduling one settlement conference at a time to dedicate more time to working with the parties to settle more difficult cases.

- 1) At 9 a.m., all counsel and unrepresented parties are to appear via zoom. The Court Administrator and parties will work diligently to explore settlement. Judges will be available if needed or if a settlement is reached.
- 2) **Counsel, parties and insurance representatives should be prepared to spend the entire day with the Court 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.
- 3) All written materials and exhibits must be submitted via MiFile 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.

2021 SETTLEMENT CONFERENCE DAYS

Judge Elsenheimer

*Friday unless otherwise noted

Judge Power

*Tuesday unless otherwise noted

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

Updated: December 9, 2020

2021 CIVIL/FAMILY DIVISION MOTION DAYS

DATES ARE SUBJECT TO CHANGE - PLEASE CONFIRM

JUDGE ELSENHEIMER

JUDGE POWER

Jan 11 Jan 11 Jan 19 Jan 25	Antrim AM Grand Traverse PM Grand Traverse Leelanau	Jan 4 Jan 11 Jan 19 Jan 25	Leelanau AM Grand Traverse Antrim Grand Traverse
Feb 1 Feb 8 Feb 16 Feb 22	Grand Traverse Antrim Grand Traverse Leelanau	Feb 1 Feb 8 Feb 16 Feb 22	Leelanau Grand Traverse Antrim Grand Traverse
March 1 March 8 March 15 March 22	Grand Traverse Antrim Grand Traverse Leelanau	March 1 March 8 March 15 March 22	Leelanau Grand Traverse Antrim Grand Traverse
April 5 April 9 April 12 April 12	Grand Traverse Leelanau Antrim AM Grand Traverse PM	April 5 April 12 April 19 April 26	Leelanau Grand Traverse Antrim Grand Traverse
May 3 May 10 May 17 May 24	Grand Traverse Antrim Grand Traverse Leelanau	May 3 May 10 May 17 May 24	Leelanau Grand Traverse Antrim Grand Traverse
June 1 June 1 June 21 June 28	Antrim AM Grand Traverse PM Grand Traverse Leelanau	June 7 June 14 June 21 June 28	Leelanau Grand Traverse Antrim Grand Traverse
July 6 July 12 July 19 July 26	Grand Traverse Antrim Grand Traverse Leelanau	July 6 July 12 July 19 July 26	Leelanau Grand Traverse Antrim Grand Traverse

Aug 2 Aug 9 Aug 16 Aug 23	Grand Traverse Antrim Grand Traverse Leelanau	Aug 2 Aug 9 Aug 16 Aug 23	Leelanau Grand Traverse Antrim Grand Traverse
Sept 7 Sept 13 Sept 20 Sept 27	Grand Traverse Antrim Grand Traverse Leelanau	Sept 7 Sept 13 Sept 20 Sept 27	Leelanau Grand Traverse Antrim Grand Traverse
Oct 4 Oct 11 Oct 18 Oct 25	Grand Traverse Antrim Grand Traverse Leelanau	Oct 4 Oct 11 Oct 18 Oct 25	Leelanau Grand Traverse Antrim Grand Traverse
Nov 1 Nov 8 Nov 12 Nov 22	Grand Traverse Antrim Grand Traverse Leelanau	Nov 1 Nov 8 Nov 15 Nov 22	Leelanau Grand Traverse Antrim Grand Traverse
Dec 6 Dec 13 Dec 20 Dec 27	Grand Traverse Antrim Grand Traverse Leelanau	Dec 6 Dec 13 Dec 20 Dec 28	Leelanau Grand Traverse Antrim Grand Traverse

Updated: 12/9/20

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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 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 submitted via MIFILE and will be routed to the Friend of the Court, Referees and Judges.

PRO CONFESSO

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

CIRCUIT COURT REFEREE MATTERS

All matters to be heard by the Referees will be scheduled by the Circuit Court Administrator's Office. **Referee Matthew Hagen's scheduling is processed by Tabatha VanWingerden (tvanwingerden@13thcircuitcourt.org) and Referee Steven Paciorka's scheduling is processed by Stacy Osborne (sosborne@13thcircuitcourt.org).** 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 submitted via MiFILE 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 submitted via MiFILE 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 submitted via MiFILE 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 submitted via MiFILE.

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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 Hagen or the Hon. Steven Paciorka. Referee Hagen or Referee Paciorka 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.