

THOMAS G. POWER  
KEVIN A. ELSENHEIMER  
CIRCUIT JUDGES

## State of Michigan



### Thirteenth Judicial Circuit

328 WASHINGTON STREET, SUITE 300  
TRAVERSE CITY, MICHIGAN 49684  
(231) 922-4701  
c13court@grandtraverse.org  
[www.13thcircuitcourt.org](http://www.13thcircuitcourt.org)

COUNTIES  
ANTRIM  
GRAND TRAVERSE  
LEELANAU

TERI QUINN  
COURT ADMINISTRATOR

To: Attorneys and Legal Staff practicing in the 13<sup>th</sup> Circuit Court before:

Hon. Thomas G. Power  
Hon. Kevin A. Elsenheimer  
Hon. Kirsten L. Keilitz  
Hon. Stacey L. Truesdell

From: Teri Quinn, Circuit Court Administrator

Date: April 20, 2017

Re: 13<sup>th</sup> Judicial Circuit Court  
2017 Civil/Family Division Motion Days and Circuit Court Referee Calendars

Attached you will find the following listings:

- ❖ Motion/Settlement Conference Practice
- ❖ Civil/Family Division Motion Days for the year 2017
- ❖ Divorce and Domestic Relations Procedures
- ❖ Referee Domestic Relations Calendar for the year 2017

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 call the Circuit Court Administrator's Office (231-922-4701) 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. Thomas G. Power and the Hon. Kevin A. Elsenheimer

From: Hon. Thomas G. Power  
Hon. Kevin A. Elsenheimer

Date: April 20, 2017

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 TrueFiling, Judge's copies are no longer necessary for documents filed in the 13<sup>th</sup> Circuit Court.**

## 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 Assignment Clerk 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 <sup>nd</sup> and 4 <sup>th</sup> Mondays<br>Antrim County: 3 <sup>rd</sup> Monday<br>Leelanau County: 1 <sup>st</sup> Monday |
| Hon. Kevin A. Elsenheimer | Grand Traverse County: 1 <sup>st</sup> and 3 <sup>rd</sup> Mondays<br>Antrim County: 2 <sup>nd</sup> Monday<br>Leelanau County: 4 <sup>th</sup> 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 call 231-922-4701 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. These are appeals and 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 alternating Fridays. 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.
- 5) The Court and its staff intend to work diligently to explore settlement. Counsel, parties and insurance representatives should be prepared to spend the entire day at 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.
- 6) All written materials and exhibits must be TrueFiled 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.

**2017 SETTLEMENT CONFERENCE DAYS**

**Judge Elsenheimer**  
\*Friday unless otherwise noted

**Judge Power**  
\*Tuesday unless otherwise noted

|  |   |
|--|---|
| <u>January 13</u><br><u>January 27</u>                       | <u>January 18</u><br><u>January 31</u>                  |
| <u>February 10</u><br><u>February 24</u>                     | <u>February 14</u><br><u>February 28</u>                |
| <u>March 10</u><br><u>March 24</u>                           | <u>March 14</u><br><u>March 28</u>                      |
| <u>April 7</u><br><u>April 21</u>                            | <u>April 11</u><br><u>April 25</u>                      |
| <u>May 5</u><br><u>May 19</u>                                | <u>May 9</u><br><u>May 23</u>                           |
| <u>June 2</u><br><u>June 16</u><br><u>June 30</u>            | <u>June 6</u><br><u>June 20</u>                         |
| <u>July 14</u><br><u>July 28</u>                             | <u>July 5</u><br><u>July 18</u>                         |
| <u>August 11</u><br><u>August 18</u><br><u>August 25</u>     | <u>August 1</u><br><u>August 15</u><br><u>August 29</u> |
| <u>September 8</u><br><u>September 22</u>                    | <u>September 12</u><br><u>September 26</u>              |
| <u>October 6</u><br><u>October 20</u>                        | <u>October 10</u><br><u>October 24</u>                  |
| <u>November 3</u><br><u>November 8</u><br><u>November 17</u> | <u>November 7</u><br><u>November 21</u>                 |
| <u>December 1</u><br><u>December 15</u>                      | <u>December 5</u><br><u>December 19</u>                 |

Updated: 4/11/17 KAE 6/2 SC date removed.  
\*\*DATES ARE SUBJECT TO CHANGE\*\*  
2017 SETTLEMENT CONFERENCE DAYS

Judge Elsenheimer  
\*Friday unless otherwise noted

Judge Power  
\*Tuesday unless otherwise noted

## 2017 CIVIL/FAMILY DIVISION MOTION DAYS

\*\*DATES ARE SUBJECT TO CHANGE - PLEASE CONFIRM\*\*

### JUDGE ELSENHEIMER

### JUDGE POWER

|  |   |   |   |
|--|---|---|---|
| <b>Jan 3</b><br><b>Jan 12</b><br><del><b>Jan 20</b></del><br><del><b>Jan 23</b></del><br><b>Jan 23</b> | <del><b>Grand Traverse</b></del><br><b>Antrim</b><br><del><b>Grand Traverse</b></del><br><b>Leelanau</b><br><b>Grand Traverse</b> | <b>Jan 5</b><br><b>Jan 9</b><br><b>Jan 17</b><br><b>Jan 19</b><br><b>Jan 26</b>   | <b>Leelanau</b><br><b>Grand Traverse</b><br><b>Grand Traverse</b><br><b>Leelanau</b><br><b>Antrim</b>   |
| <b>Feb 6</b><br><b>Feb 13</b><br><b>Feb 21</b><br><b>Feb 27</b>  | <b>Grand Traverse</b><br><b>Antrim</b><br><b>Grand Traverse</b><br><b>Leelanau</b>  | <b>Feb 6</b><br><b>Feb 13</b><br><b>Feb 21</b><br><b>Feb 21</b><br><del><b>Feb 27</b></del>   | <b>Leelanau</b><br><b>Grand Traverse</b><br><b>Antrim</b><br><b>Grand Traverse (PM only)</b><br><del><b>Grand Traverse</b></del>  |
| <b>March 6</b><br><b>March 13</b><br><b>March 20</b><br><b>March 27</b>                                | <b>Grand Traverse</b><br><b>Antrim</b><br><b>Grand Traverse</b><br><b>Leelanau</b>  | <del><b>March 6</b></del><br><del><b>March 8</b></del><br><b>March 9</b><br><b>March 13</b><br><b>March 20</b><br><del><b>March 27</b></del>  | <del><b>Leelanau (No Sum Dispo)</b></del><br><del><b>Leelanau</b></del><br><b>Leelanau</b><br><b>Grand Traverse</b><br><b>Antrim</b><br><del><b>Grand Traverse</b></del>  |
| <b>April 3</b><br><b>April 10</b><br><b>April 17</b><br><b>April 24</b>                                | <b>Grand Traverse</b><br><b>Antrim</b><br><b>Grand Traverse</b><br><b>Leelanau</b>  | <del><b>April 3</b></del><br><b>April 4</b><br><b>April 6</b><br><del><b>April 10</b></del><br><del><b>April 17</b></del><br><del><b>April 19</b></del><br><b>April 19</b><br><del><b>April 24</b></del><br><b>April 24</b> | <b>Leelanau</b><br><b>Leelanau</b><br><b>Grand Traverse</b><br><del><b>Grand Traverse</b></del><br><b>Antrim</b><br><b>Antrim</b><br><b>Grand Traverse</b><br><del><b>Grand Traverse</b></del><br><b>Antrim</b> |
| <b>May 1</b><br><b>May 8</b><br><b>May 15</b><br><b>May 22</b>   | <b>Grand Traverse</b><br><b>Antrim</b><br><b>Grand Traverse</b><br><b>Leelanau</b>  | <b>May 1</b><br><b>May 8</b><br><b>May 15</b><br><b>May 22</b>  | <b>Leelanau</b><br><b>Grand Traverse</b><br><b>Antrim</b><br><b>Grand Traverse</b>  |

|  |  |   |  |
|--|--|---|--|
| <b>June 2</b><br><b>June 5</b><br><del><b>June 12</b></del><br><b>June 19</b><br><del><b>June 26</b></del><br><b>June 29</b> | <b>Antrim</b><br><b>Grand Traverse</b><br><del><b>Antrim</b></del><br><b>Grand Traverse</b><br><del><b>Leelanau</b></del><br><b>Leelanau</b> | <b>June 5</b><br><b>June 12</b><br><b>June 19</b><br><b>June 26</b> | <b>Leelanau</b><br><b>Grand Traverse</b><br><b>Antrim</b><br><b>Grand Traverse</b> |
| <b>July 3</b><br><b>July 10</b><br><b>July 17</b><br><b>July 24</b>  | <b>Grand Traverse</b><br><b>Antrim</b><br><b>Grand Traverse</b><br><b>Leelanau</b>   | <b>July 3</b><br><b>July 10</b><br><b>July 17</b><br><b>July 24</b> | <b>Leelanau</b><br><b>Grand Traverse</b><br><b>Antrim</b><br><b>Grand Traverse</b> |
| <b>Aug 7</b><br><b>Aug 14</b><br><b>Aug 21</b><br><b>Aug 28</b>  | <b>Grand Traverse</b><br><b>Antrim</b><br><b>Grand Traverse</b><br><b>Leelanau</b>   | <b>Aug 7</b><br><b>Aug 14</b><br><b>Aug 21</b><br><b>Aug 28</b>     | <b>Leelanau</b><br><b>Grand Traverse</b><br><b>Antrim</b><br><b>Grand Traverse</b> |
| <b>Sept 5</b><br><b>Sept 11</b><br><b>Sept 18</b><br><b>Sept 25</b>  | <b>Grand Traverse</b><br><b>Antrim</b><br><b>Grand Traverse</b><br><b>Leelanau</b>   | <b>Sept 5</b><br><b>Sept 11</b><br><b>Sept 18</b><br><b>Sept 25</b> | <b>Leelanau</b><br><b>Grand Traverse</b><br><b>Antrim</b><br><b>Grand Traverse</b> |
| <b>Oct 2</b><br><del><b>Oct 9</b></del><br><b>Oct 10</b><br><b>Oct 16</b><br><b>Oct 23</b>                                   | <b>Grand Traverse</b><br><del><b>Antrim</b></del><br><b>Antrim</b><br><b>Grand Traverse</b><br><b>Leelanau</b>                               | <b>Oct 2</b><br><b>Oct 9</b><br><b>Oct 16</b><br><b>Oct 23</b>      | <b>Leelanau</b><br><b>Grand Traverse</b><br><b>Antrim</b><br><b>Grand Traverse</b> |
| <b>Nov 6</b><br><b>Nov 13</b><br><b>Nov 20</b><br><b>Nov 27</b>  | <b>Grand Traverse</b><br><b>Antrim</b><br><b>Grand Traverse</b><br><b>Leelanau</b>   | <b>Nov 6</b><br><b>Nov 13</b><br><b>Nov 20</b><br><b>Nov 27</b>     | <b>Leelanau</b><br><b>Grand Traverse</b><br><b>Antrim</b><br><b>Grand Traverse</b> |
| <b>Dec 4</b><br><b>Dec 11</b><br><b>Dec 18</b><br><b>Dec 26</b>  | <b>Grand Traverse</b><br><b>Antrim</b><br><b>Grand Traverse</b><br><b>Leelanau</b>   | <b>Dec 4</b><br><b>Dec 11</b><br><b>Dec 18</b><br><b>Dec 26</b>     | <b>Leelanau</b><br><b>Grand Traverse</b><br><b>Antrim</b><br><b>Grand Traverse</b> |

Updated: 4/11/2017 KAE 6/12 Antrim Day moved to 6/2.

**\*\*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 TrueFiled 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 TrueFile 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 TrueFiled with the Court. Copies will automatically be exchanged with opposing counsel via TrueFile. 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 TrueFiled with the Court Clerk and the motion will be set for hearing.

The Court prepares Orders of Referral to the Referees or the Friend of the Court and schedules domestic relations hearings. 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 TrueFiled 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 are to be TrueFiled.

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### **CIRCUIT COURT REFEREE SETTLEMENT CONFERENCE DAYS**

Settlement conferences before the Circuit Court Referees are scheduled to commence at 9a.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. Kirsten L. Keilitz or the Hon. Stacey L Truesdell. Referee Keilitz 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.