

**STATE OF MICHIGAN
IN THE COURT OF APPEALS**

HASSAN M. AHMAD,
Plaintiff/Appellant

Court of Appeals No.: 341299
Court of Claims No.: 17-000170-MZ

v.

THE UNIVERSITY OF MICHIGAN,
Defendant/Appellee

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**MOTION FOR ENTRY OF EXPEDITED SCHEDULING
ORDER PURSUANT TO MCL 15.240(5) AND MCR 7.213(C)(7)**

NOW COMES Appellant HASSAN M. AHMAD, through counsel, and request this Court to enter an expedited scheduling order pursuant to MCL 15.240(5) as this Court is directed to assign this FREEDOM OF INFORMATION ACT appeal “for argument at the earliest practicable date and expedited in every way.” MCL 15.240(5).

Memorandum of Law

FOIA requires “an appeal from an action commenced under this section [of FOIA] shall be assigned... for argument at the earliest practicable date and expedited in every way.” MCL 15.240(5). This Court has held that the Legislature has “specifically provided that FOIA cases should be dealt with expeditiously by the courts.” *Cashel v Smith*, 117 Mich App 405, 410; 324 NW2d 336 (1982).

One such reasonable and practicable way to fulfill this requirement is to request an expedited scheduling order from this Court, which this Court has the authority to issue. See *Banta v Serban*, 370 Mich 367, 368; 121 NW2d 854 (1963)(courts have inherent power to control the movement of cases on its docket); see also MCR 7.213(C)(7). One of the surest ways to expeditiously reach argument is to expedite the typical civil appellate schedule. In one of the few court opinions to address this statute, this Court noted that “the Legislature was concerned that the flow of information from public bodies to persons should not be long impeded by court process.” *Cashel, supra* at 410. The Legislature, via MCL 15.240(5), is directing this Court to treat FOIA cases, like the instant case, as an extraordinary priority.

I. Treat This Appeal As A Priority Case Under the Court Rules

In effectuating the requirements of MCL 15.240(5), this Court is requested to direct the Clerk to treat and schedule this matter as this Court would for a “priority” appeal. This Court can grant priority to “cases that the court orders expedited.” MCR 7.213(C)(7). This matter has already languished in the trial court for substantial amount of time and further appellate delays will prejudice Appellant, especially in light of the statutory entitlement for assignment for argument at the earliest practicable date and be expedited in every way.

RELIEF REQUESTED

WHEREFORE, Appellant HASSAN M. AHMAD, through counsel, requests this Honorable Court to issue an expedited scheduling order and direct the Clerk to schedule oral argument on this matter as a priority case pursuant to MCL 15.240(5) and MCR 7.213(C)(7) for the earliest available session of this Court.

Date: March 18, 2018

RESPECTFULLY SUBMITTED:

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