

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF GRAND TRAVERSE

THE RAY D. MARKEL TESTAMENTARY
RESIDUAL TRUST B, by RON D. MARKEL
and JAMES W. MARKEL, as Co-Trustees,
Plaintiff

and

File No. 95-13519-CD
CONSOLIDATED CASE
Hon. Thomas G. Power

LUDCO INVESTMENTS, INC., THE
VERA H. WELCH OIL & GAS TRUST, by
Vera H. Welch, Trustee, and MARILYN
MALONE, Successor Trustee, the
GRAYCE E. MASK LIVING TRUST, by
William J. Grombala, Jr., Trustee,
and CMS NOMEKO OIL & GAS CO., INC.,
and DENNIS OLSON and SANDRA OLSON,
husband and wife,

Intervening Plaintiffs,

DECISION AND ORDER

v

ANTRIM GAS, INC., a Michigan
corporation, and NORTH MICHIGAN
LAND & OIL, a Michigan corporation,
Jointly and Severally,

Defendants,

and

ANTRIM GAS, INC., a Michigan
corporation,

Plaintiff,

NONECO OIL & GAS CO., a Michigan
corporation; DENNIS OLSON and SANDRA
OLSON, husband and wife; RAY D. MARKEL
TESTAMENTARY RESIDUAL TRUST B, JAMES
W. MARKEL AND RONALD D. MARKEL co-
trustees; GRAYCE E. MASK LIVING TRUST,
WILLIAM J. GROMBALA, Successor Trustee;
LUDCO INVESTMENTS, INC., a Michigan
corporation; VERA H. WELCH OIL AND GAS
TRUST dated September 9, 1994, VERA H.
WELCH, Trustee

Defendants,

and

HERSEE CORP., a Michigan corporation;
NORTH MICHIGAN LAND AND OIL CORPORATION,
a Michigan corporation; NORTH MICHIGAN
GAS & OIL, a limited partnership; and
DALE NIELSON,

Necessary Parties

Thomas J. Waters (P37829)
Attorneys for Plaintiff

Scott S. Brinkmeyer (P248' 1)
Attorney for Intervening Plaintiffs

Steve R. DuBois (P23769)
Attorney for Defendant Antrim Gas, Inc.

George F. Bearup (P24647)
Attorney for Defendant North Michigan
Land & Oil, Neilson and North
Michigan Gas & Oil

DECISION AND ORDER

The Intervening Plaintiffs filed a Motion for Accelerated Consideration of a Motion for Partial Summary Disposition and for leave to file a brief in excess of 20 pages in support of the Motion. Defendant Antrim Gas, Inc., has filed a response.

The Court has reviewed the Motion for Accelerated Consideration and excess brief, the response of Antrim Gas, Inc., and made a cursory review of the Motion for Partial Summary Disposition. Pursuant to MCR 2.119(E)(3), the Court dispenses with oral arguments.

The Court finds that the Motion to file a brief in excess of 20 pages shall be granted. The Court further finds that all parties filing timely briefs in response or reply, in support or in opposition, to the Intervening Plaintiff's Motion for Partial Summary Disposition shall have leave to exceed the 20-PAGE limitation without the need to file a special request.

The Court finds that Intervening Plaintiff's Motion for an Accelerated Hearing Date is not supported by the materials

submitted. The request for an accelerated hearing date is denied.

A notice of hearing, allowing all parties adequate time for response and reply, will be forwarded by the Court Administrator. The Court recognizes that the subject of the Motion presents a critical issue in the case. A sufficient amount of time for oral arguments will be scheduled. However, there will be no testimony received or exhibits introduced at the hearing. All parties will be expected to support their positions in accord with MCR 2.116(G)

IT IS SO ORDERED.

HONORABLE THOMAS G. POWER
Circuit Court Judge
Dated: 3/7/96