

STATE OF MICHIGAN



THIRTIETH JUDICIAL CIRCUIT
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Circuit Judges

February 11, 1997

Mr. Stephen P. Dresch, President
Great Lakes Property Rights League
P.O. Box 653
Baraga, MI 49908

RE: Frank J. Kelley & Roland Harmes, Jr. v
Richard & Nancy Delene & Delene Contracting, Inc.
Docket No. 92-73245-AZ

Dear Mr. Dresch:

Thank you for your letter of January 8, 1997. Be advised that I may not consider the legal arguments in your letter because they have not been properly presented in conformity with the court rules.

Regarding your other comments, I respond as follows. First, one statement in your letter must be corrected. The Delene decision has been under advisement since last February, not December, 1995. That was because Plaintiff petitioned the federal court to block proceedings in my court and I was not free to proceed until the federal case was dismissed in February, 1996.

Second, I regret the delay. However, this is but one of many cases I am handling. I am required to prioritize certain cases. Several classes of cases take precedence over this one, including all criminal cases, domestic and custody proceedings and requests for injunctive relief. For example, in addition to my regular cases, I recently disposed of cases involving a court challenge to a major hospital merger, a challenge to "privatization" of certain functions of the Liquor Control Commission, and the Tiger Stadium case which you referenced. Each of these involved considerable research and time. They also required immediate attention and thus were advanced on the docket ahead of the Delene matter and similar cases.

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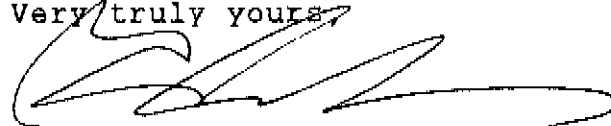
While I share your concern about delay, this discussion would not be complete without reference to the delays brought about by several contempt proceedings resulting from Defendants' non-compliance with court orders, an earlier non-appearance by Richard Delene which resulted in a previous bench warrant, as well as his departure from a settlement conference without court authorization. Instances such as these hardly promote the prompt resolution of this case.

You make reference to contempt citations and arrest warrants as if no proper basis for issuing either existed. What you fail to include in your letter is any mention of the lengthy hearings which preceded the contempts. Also not mentioned is the fact that before the most recent warrant was issued for Richard Delene, he was given proper notice of a show cause for contempt and chose to ignore it.

I am not at liberty to ignore non-compliance with court orders whether by Richard Delene or anyone else. He has been and will be treated the same as any other litigant in my court. If the outstanding warrant is affecting his personal life, he should consider turning himself in as any other person subject to the court's authority would be expected to do. Since he has not done so, I assume he is prepared to live with the consequences.

Obviously, you are free to take whatever action you wish. Whatever you do, I will process my caseload in conformity with the court rules to the best of my ability. In short, the issues in this case will be addressed as soon as I am able to do so.

Very truly yours,



James R. Giddings

JRG:paa

cc: James R. Piggush
Donnelly W. Hadden