

**STATE OF MICHIGAN**  
**BEFORE THE JUDICIAL TENURE COMMISSION**

**In the Matter of:**

**Hon. Theresa M. Brennan, Respondent**  
**Formal Complaint No. 99**

---

Lynn H. Helland  
Casimir J. Swastek  
Examiners

Dennis J. Kolenda  
Attorney for Respondent

---

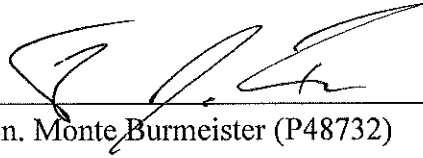
**COMMISSION'S ORDER DECLINING TO UNSETTLE STIPULATION**

This matter is before the Commission on the Examiners' Notice of Potentially Erroneous Information in Stipulation. In addition to the Examiners' Notice, the Commission has reviewed Respondent's Objection to Examiners' Notice of Potentially Erroneous Information in Stipulation, and the Examiners' Response to Objection to Examiners' Notice.

On November 2, 2018, the Examiners and Respondent entered into a stipulation regarding Respondent's cell phone and searches of her computer. The Master submitted his report on December 20, 2018. Respondent referred to the stipulation in her objections to the Master's report and the Examiners referred to the stipulation in their answer to Respondent's objections. On February 20, 2019, the Examiners, through their Notice of Potentially Erroneous Information in Stipulation, indicated that the Michigan State Police had provided the parties with additional and updated information about the case that was inconsistent with some of the statements in the stipulation. Neither party has moved to withdraw the stipulation nor has either

party indicated how the alleged inaccuracies will have any material effect on the ultimate decision in this case. Given the sacrosanct nature of stipulations, the Commission declines to unsettle the stipulation at this time. *Dana Corp v Employment Security Comm*, 371 Mich 107, 110; 123 NW2d 277 (1963).

So Ordered:



Hon. Monte Burmeister (P48732)  
Chairperson, Judicial Tenure Commission

Dated: February 28, 2019