Court of Appeals, State of Michigan

ORDER

Lydell Brewer v Paul E Schulz

Docket No. 279125, 280275

LC No. 03-340557-CZ

Helene N. White
Presiding Judge

Christopher M. Murray

Karen M. Fort Hood
Judges

The Court orders that the order entered on December 21, 2007, is VACATED because of a typographical error (docket no. "28075" should be "280275".) The amended ordered is as follows:

The Court orders that in docket number 279125, the motion to file a reply brief is GRANTED.

The Court further orders that in docket number 280275, the motion to file a late answer is GRANTED, and the motion for leave to file a reply brief, and for immediate consideration of that motion are GRANTED.

In docket number 280275, in lieu of granting leave to appeal, we vacate the portion of the court's August 3, 2007 order that requires that defendant post a $100,000 bond. We remand with instructions that the court amend the order to require only that defendant pay the reasonable attorney fees and taxable costs incurred by plaintiff as the result of defendant's failure to file a timely answer. MCR 2.603(D)(4); MCR 2.625(D).

In docket number 279125 we deny the application as moot.

We do not retain jurisdiction.

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 04 2008
Date

Sandra Schultz Mengel
Chief Clerk