Court of Appeals, State of Michigan

ORDER

Daniel J Healy v Paul Spoelstra

Docket No. 281686; 288223

LC No. 06-008293-CK

Christopher M. Murray
Presiding Judge

Jane E. Markey

Stephen L. Borrello
Judges

The Court orders that motion for sanctions for vexatious proceedings is GRANTED. This matter is REMANDED to the trial court for a determination of actual damages. MCR 7.216(C)(2). We do not retain jurisdiction.

MURRAY, P.J. (*dissenting*): I would deny the motion for sanctions for vexatious proceedings. Although we affirmed both the trial court's dismissal of plaintiff's complaint, and its discretionary decision to sanction plaintiff, I am not convinced that this appeal was vexatious. MCR 7.216(C)(1)(a). Both the written and oral arguments offered by plaintiff were cogent and clear, and though ultimately unsuccessful, were made towards winning the appeal, as opposed to delaying payment.

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

DEC 03 2009
Date

Sandra Schultz Mengel
Chief Clerk