Court of Appeals, State of Michigan

ORDER

April Jones v Sunrise Dental Center PC

Docket No. 288033

LC No. 06-003633-NM

E. Thomas Fitzgerald
Presiding Judge

Henry William Saad

Elizabeth L. Gleicher
Judges

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the September 8, 2008, order of the Macomb Circuit Court granting costs to defendant hereby is REVERSED IN PART. Parties may recover deposition costs for only those depositions filed in the court clerk's office. MCL 600.2549; *Morrison v City of East Lansing*, 255 Mich App 505, 522; 660 NW2d 395 (2003). Defendant's answer to the application is silent as to whether it filed the depositions with the circuit court clerk, and the circuit court register of actions does not reflect such a filing. On the record before this Court, therefore, defendant is not entitled to the deposition costs. The case is REMANDED to the circuit court for it to enter a revised order of costs that does not include the deposition costs. In all other respects, the application is DENIED.

This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.

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

MAR 10 2009
Date

Sandra Schultz Mengel
Chief Clerk