

Court of Appeals, State of Michigan

ORDER

Richard Lobenherz v Mary J Eveleigh

Docket No. 295173

LC No. 09-000684-CH

Alton T. Davis
Presiding Judge

William C. Whitbeck

Patrick M. Meter
Judges

The motion to dismiss is DENIED. The motion to strike appellants' brief is also DENIED. While appellants' brief on appeal may not strictly comply with all requirements of MCR 7.212(C)(7), appellee has not established that the brief fails to substantially comply with MCR 7.212(C) so as to warrant striking the brief, let alone dismissing the appeal. See MCR 7.212(I). We note that neither a motion to dismiss or a motion to strike a brief is an appropriate context for consideration of the merits of an appeal.



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

MAY 28 2010
Date

Sandra Schultz Mengel
Chief Clerk