

Court of Appeals, State of Michigan

ORDER

The T & M Sales Agency Inc v Timco LLC

Docket No. 296651

LC No. 2008-091971-CZ

Mark J. Cavanagh
Presiding Judge

Kathleen Jansen

Pat M. Donofrio
Judges

The Court orders that the motion to affirm pursuant to MCR 7.211(C)(3) is GRANTED for the reason that the questions to be reviewed are so unsubstantial as to need no argument or formal submission. Parties are bound by their stipulations made in settlement of an action. *Ypsilanti Township v Kircher*, 281 Mich App 251, 270; 761 NW2d 761 (2008). There is no dispute that defendant entered into the April 23, 2009 stipulation and order settling the Oakland Circuit Court case and is thereby bound by its terms. Defendant's subsequent motions filed in the Wayne Circuit Court seeking to stay arbitration and hold plaintiff in contempt did not mention the April 2009 stipulated settlement in the Oakland Circuit action which provided for arbitration. Those pleadings were neither well grounded in fact, warranted by existing law, nor warranted by good-faith argument for the extension, modification, or reversal of existing law and so were signed in violation of MCR 2.114(D). The circuit court was required to impose sanctions against defendant pursuant to MCR 2.114(E). *Guerrero v Smith*, 280 Mich App 647, 677-678; 761 NW2d 723 (2008).

Plaintiff-appellee's motion for sanctions for vexatious proceedings under MCR 7.216(C) and MCR 7.211(C)(8) is GRANTED. This matter is remanded to the trial court for a determination of the amount of actual damages, including reasonable attorney fees.

This Court does not retain jurisdiction.



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

AUG 23 2010

Date

Sandra Schultz Mengel
Chief Clerk