IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Detroit Diesel Corp v Department of Treasury**
Docket No. **297376; 297377**
L.C. No. **00-319395; 00-319939**

Donald S. Owens, Judge, acting under MCR 7.211(E)(2), orders:

The motion to strike appellant's brief is DENIED. The "factual allegations" of which appellee complains is appellant's legal argument, consisting of a presentation of its view of the facts and law, along with its inferences therefrom, aimed at persuading this Court to decide in its favor. That is not improper, and is essentially the definition of legal argument. See Black's Law Dictionary (Fifth Edition) and The Free Dictionary on-line, http://legal-dictionary.thefreedictionary.com/argument (accessed September 16, 2010). Further, as appellee stated many times in its motion, it was able to counter appellant's argument in its own brief.

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

SEP 21 2010
Date

Sandra Schultz Mengel
Chief Clerk