

Court of Appeals, State of Michigan

ORDER

Henry Patrick McGhee v Olympic Steel Incorporated

Docket No. 297582

LC No. 09-015209-NP

Michael J. Talbot
Presiding Judge

Kurtis T. Wilder

Cynthia Diane Stephens
Judges

In lieu of granting the delayed application, the Court orders, pursuant to MCR 7.205(D)(2), that the January 29, 2010, order of the Wayne Circuit Court denying defendant's motion to file notices of nonparties at fault hereby is VACATED. The circuit court is directed to reconsider the timeliness of defendant's notices where the court's register of actions reflects that defendant's answer was docketed, and thus filed, on August 10, 2009. If the court determines that defense counsel misrepresented the filing date as August 6, 2009, the court may consider assessing appropriate sanctions based on defense counsel's failure to present accurate facts at the hearing. The case is REMANDED to the circuit court for further proceedings consistent with this order.

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

OCT 28 2010

Date

Sandra Schultz Mengel
Chief Clerk