

Court of Appeals, State of Michigan

ORDER

Simone Calvas v Nineteenth District Court

Docket No. 301015

LC No. 09-004942-CD

Christopher M. Murray
Presiding Judge

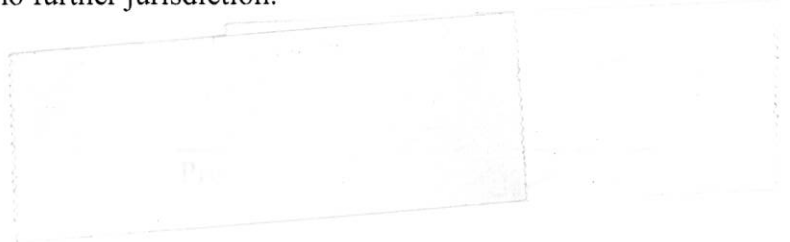
Michael J. Talbot

Karen Fort Hood
Judges

The Court orders that the January 28, 2011, order is VACATED to the extent that it held the application in abeyance.

The application for leave to appeal is DENIED. Defendant has provided inadequate briefing in this application seeking review of the circuit court's denial of summary disposition. Among other deficiencies, defendant failed to provide any statutory or case law to this Court that governs the substantive issues plead by plaintiff, represented that certain facts were undisputed even though plaintiff challenged them, and did not clearly set forth, with supporting documentation, the argument regarding plaintiff's mismanagement of probation files. In other words, although there is case law that may well prevent plaintiff from establishing some of her claims (such as the employment contract claim), defendant has not come close to "priming the appellate pump." *Mitcham v Detroit*, 355 Mich 182, 203 (1959). Accordingly, defendant has failed to persuade the Court of the need for immediate appellate review and this Court's intervention is unwarranted at this juncture.

The stay is lifted and the case is REMANDED to the circuit court for further proceedings consistent with this order. The Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

MAR 02 2011

Date


Chief Clerk