

Court of Appeals, State of Michigan

ORDER

Michael Myers v Northwest Tire and Service Inc

Docket No. 301636

LC No. 09-007256-NH

Amy Ronayne Krause
Presiding Judge

Peter D. O'Connell

Donald S. Owens
Judges

The Court orders that the motion to strike appellee's answer to the application for leave to appeal is GRANTED, and the answer is STRICKEN. Appellee improperly cited matters that were specifically excluded from the record by the trial court.

The motion to file a late answer to the motion for sanctions is GRANTED.

The motion for sanctions pursuant to MCR 7.216(C) is DENIED.

The motion to file a reply to the answer is DENIED as moot.

The application for leave to appeal is GRANTED, limited to the issues raised in the application. MCR 7.205(D)(4). The time for taking further steps in this appeal runs from the date of the Clerk's certification of this order. MCR 7.205(D)(3).

Krause, J., concurs with all of the above-rulings except for the motion for sanctions and would GRANT that motion.



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

JUN 24 2011

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk