

Court of Appeals, State of Michigan

ORDER

Herman J Anderson PLLC v Christ Liberty Ministry

Docket No. 307931

LC No. 11-005816-CK

Christopher M. Murray
Presiding Judge

Michael J. Talbot

Cynthia Diane Stephens
Judges

The Court orders that the motion for immediate consideration is GRANTED.

It is further ordered that the application for leave to appeal is GRANTED. 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). This appeal is limited to the issues raised in the application and supporting brief. MCR 7.205(D)(4).

Talbot, J., states as follows: But for the rule of unanimity, and in lieu of granting the application, pursuant to MCR .205(D)(2), I would peremptorily reverse the December 15, 2011 order of the Wayne Circuit Court granting plaintiff's motion to vacate the arbitration award. The arbitrator found as a matter of fact that plaintiff had failed to provide proofs to support his claim. This Court may not review the arbitrator's findings of fact. *City of Ann Arbor v American Federation of State, Co, & Muni Employees*, 284 Mich App 126, 144; 771 NW2d 843 (2009). To justify a vacation of the arbitration award, any error must be evident on the face of the award and be so material that it substantially affected the award. *Gordon Sel-Way, Inc v Spence Bros, Inc*, 438 Mich 488, 497; 475 NW2d 704 (1991). Where the arbitrator made a finding that plaintiff failed to provide proofs, the dismissal of plaintiff's arbitration claim did not contain material error on its face and the circuit court should not have vacated the award.



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

MAR 02 2012

Date


Chief Clerk