

Court of Appeals, State of Michigan

ORDER

Michigan Dept of Transportation v Detroit International Bridge Co

Docket No. 309389

LC No. 09-015581-CK

Karen M. Fort Hood
Presiding Judge

Michael J. Talbot

Christopher M. Murray
Judges

The Court orders that the motions for immediate consideration are GRANTED.

The Court further orders that the motion for peremptory reversal pursuant to MCR 7.211(C)(4) is DENIED. Although the parties frame this issue as a civil contempt sanction because the March 8, 2012, order amended the January 12, 2012, order, the substance of the March 8, 2012 order does not implement a contempt sanction. In actuality, there is no present contempt issue because the trial court subsequently purged DIBC of contempt in its March 22, 2012, order, after it transferred control of the project to MDOT in its March 8, 2012, order. In issuing the March 8, 2012, order, the trial court was acting well within its broad discretion in ordering specific performance of DIBC's outstanding obligations under the contract as directed by the trial court's February 1, 2010 order. *Laker v Soverinsky*, 318 Mich 100, 104; 27 NW2d 600 (1947); *Edidin v Detroit Economic Growth Corporation*, 134 Mich App 655, 660; 352 NW2d 288 (1984). Under the circumstances of this case, as thoroughly explained by the trial court in its March 8, 2012, order, the order was just and equitable. Furthermore, there was nothing in this Court's opinion of February 6, 2012, that precluded the trial court from exercising its discretion in this manner.

The Court further orders that the application for leave to appeal is DENIED.

The motion for stay is DENIED.

The motion for leave to file a supplemental brief in support of the application is GRANTED.

The motion for leave to file a supplemental brief in support of the motion for peremptory reversal is GRANTED.



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

APR 12 2012

Date


Chief Clerk