

Court of Appeals, State of Michigan

ORDER

Tracey Sahouri v Hartland Consolidated Schools

Docket No. 312011

LC No. 12-097958-CZ

Mark J. Cavanagh
Presiding Judge

E. Thomas Fitzgerald

Henry William Saad
Judges

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

Pursuant to MCR 7.205(D)(2), the Court orders that the portion of the Genesee Circuit Court's August 2, 2012 order which awards plaintiff a reasonable attorney fee is VACATED. While defendants did not succeed on their motions, the motions were not frivolous or vexatious. MCR 2.114(D), (E). The court erred by awarding fees where the award was not specifically authorized by statute or court rule. *Haliw v Sterling Heights*, 471 Mich 700, 706-707; 691 NW2d 753 (2005); *Nemeth v Abonmarche Development, Inc.*, 457 Mich 16, 37-38; 576 NW2d 641 (1998).

In all other respects the application for leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review.

The motion for leave to file a reply to the answer is DENIED.

This Court retains no further jurisdiction.



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

SEP 28 2012

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Chief Clerk