

Court of Appeals, State of Michigan

ORDER

Peter L Conway PC v Eastern Lakes Transport Museum

Docket No. 309378

LC No. 10-042747-CK

Deborah A. Servitto
Presiding Judge

Kathleen Jansen

E. Thomas Fitzgerald
Judges

The Court orders that the motion to dismiss this appeal under MCR 7.211(C)(2)(b) filed on December 19, 2012 is GRANTED in light of appellants' failure to file a brief on appeal substantially conforming to MCR 7.212(C) despite repeated instructions to do so. Appellants' amended brief on appeal fails to include citations to the lower court record as required by MCR 7.212(C)(6) and further manifestly includes extensive discussion of extra-record alleged facts in defiance of the basic principle that review in this Court "is limited to the record established by the trial court, and a party may not expand the record on appeal." *Sherman v Sea Ray Boats, Inc*, 251 Mich App 41, 56; 649 NW2d 783 (2002). In light of the dismissal of this appeal appellees' request to strike appellants' amended brief on appeal is moot.

The motion to affirm is DENIED as moot.

Finally, we decline to entertain appellees' request for sanctions because it was not properly presented in a distinct motion for sanctions for vexatious proceedings as required by MCR 7.211(C)(8).



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

JAN 24 2013

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