

Court of Appeals, State of Michigan

ORDER

Magdich & Associates PC v Novi Development Associates LLC

Docket No. 314518

LC No. 2012-125729-CK

Henry William Saad
Presiding Judge

E. Thomas Fitzgerald

Pat M. Donofrio
Judges

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

In lieu of granting the application for leave to appeal, the Court orders that the motion for peremptory reversal pursuant to MCR 7.211(C)(4) is GRANTED. MCR 2.403(M)(1) clearly and unambiguously provides that all claims shall be dismissed if the amount of the case evaluation award is paid within 28 days after notification of the acceptances of case evaluation. MCR 2.403(M)(1); *CAM Construction v Lake Edgewood Condo Ass'n*, 465 Mich 549; 640 NW2d 256 (2002). All claims pending at the time of case evaluation were submitted to case evaluation, the parties accepted the case evaluation award and plaintiff paid the case evaluation award within 28 days after notification of the parties' acceptances. Thus, the court was required to dismiss all claims pursuant to MCR 2.403(M)(1).

The motion for stay pending appeal is DENIED.

This order is to have immediate effect. MCR 7.215(F)(2).

This Court retains no further jurisdiction.



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

MAR 19 2013

Date


Chief Clerk