

Court of Appeals, State of Michigan

ORDER

Cynthia Rosado v SG Mortgage Securities Trust 2005-OPT1

Donald S. Owens
Presiding Judge

Docket No. 317131

Michael J. Kelly

LC No. 12-003070-CH

Amy Ronayne Krause
Judges

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

The Court orders that the motion for stay pending appeal is DENIED. The motion to waive requirements under MCR 7.209 for requesting a stay of proceedings is GRANTED.

Ronayne Krause, J., respectfully dissents in part. Although MCR 7.209(A)(2) precludes a motion to stay in this Court until the trial court first decides the matter, the parallel proceedings here present an unusual legal situation calling for an unusual resolution. The parties dispute whether appellants have properly sought a stay in the trial court. Presuming appellants have done so, as they claim, it is impossible for them to obtain a decision prior to the eviction hearing. Pursuant to MCR 7.216(A)(7), Judge Ronayne Krause would grant a temporary stay until the allegedly-pending stay request has been decided by the trial court or twenty-one days after the entry of this order, whichever occurs first. From the minimal evidence available, it appears highly unlikely that appellees would suffer any permanent harm but highly likely that appellants would, so Judge Ronayne Krause would also waive any bond requirement during the pendency of that temporary stay. Judge Ronayne Krause also rules this way, in part, because the entire lower court record is not available to this Court at this time and this decision must be made quickly. In all other respects, Judge Ronayne Krause concurs.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

AUG - 5 2013

Date

Chief Clerk