

**Court of Appeals, State of Michigan**

**ORDER**

Ypsilanti Fire Marshall v David Kircher

Docket No. 324810

LC No. 02-000434-CZ

David H. Sawyer  
Presiding Judge

Joel P. Hoekstra

Douglas B. Shapiro  
Judges

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The Court orders that appellees' motion to strike appellant's answer to the motion to dismiss is DENIED.

The motion to dismiss is also DENIED. It is premature for appellees to claim that appellant is not an aggrieved party or that this appeal is moot where appellant has not yet filed his brief on appeal so that the issues to be raised on appeal have not yet been advanced, particularly where appellant's answer suggests that he will be seeking a determination that he is entitled to monetary relief, which is plainly a form of relief this Court could order a lower court to provide. Also, appellees' arguments regarding the law of the case doctrine and the effect of appellant's bankruptcy proceedings concern the merits of the appeal, i.e., whether this Court *should* grant relief to appellant, not to whether the appeal is moot because this Court is unable to provide meaningful relief. Moreover, any technical deficiencies with appellant's docketing statement do not rise to the level of warranting dismissal of the appeal.

We note that this order is without prejudice to the ability of appellees to file a motion to affirm after appellant's brief is filed if they conclude that filing such a motion is warranted based on the issues raised in the brief.



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

JUL 16 2015

Date

Jerome W. Zimmer Jr.  
Chief Clerk