

Court of Appeals, State of Michigan

ORDER

Suttons Bay Yacht Village Condo Assn v Bd of Rep of Port Sutton

Docket No. 325327

LC No. 2013-009207-CH

Amy Ronayne Krause
Presiding Judge

Stephen L. Borrello

Michael J. Kelly
Judges

The Court orders that the motion to dismiss the cross appeal as moot is GRANTED. MCR 7.211(C)(2)(c). The cross appeal is moot because it is undisputed that it was brought only in an effort to ensure the ability of appellee/cross-appellant to argue alternate grounds in support of the trial court's dismissal of claims against him. However, under binding Michigan Supreme Court precedent, an appellee is not required to file a cross appeal to advance alternate grounds for affirmance. *People v Padlaszuk*, 480 Mich 866; 737 NW2d 764 (2007); *Middlebrooks v Wayne County*, 446 Mich 151, 166 n 41; 521 NW2d 774 (1994). In this regard, we must presume that the case call panel of this Court in this case will properly apply binding precedent regardless of any possibly erroneous decisions by prior panels of this Court.



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

MAY 12 2015

Date


Chief Clerk