

Court of Appeals, State of Michigan

AMENDED

ORDER

LARRY SHEARS V DOUGLAS BINGAMAN

Docket No. 329776

LC No. 14-103476-CZ

Kathleen Jansen
Presiding Judge

Henry William Saad

Deborah A. Servitto
Judges

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

The motion to suspend or in the alternative modify preliminary injunction is DENIED. This appeal of right from an order denying governmental immunity is limited to issues of governmental immunity. MCR 7.203(A)(1); *Pierce v Lansing*, 265 Mich App 174, 182; 694 NW2d 65 (2005), lv den 474 Mich 871 (2005). The provisions of the August 17, 2015 preliminary injunction are outside the scope of this appeal. Defendants cannot claim an appeal of right from an unrelated order so as to effectively negate the enforceability of a preliminary injunction.

The motion to stay is DENIED. MCR 7.208(E) expressly allows the trial court to enforce the preliminary injunction pending this appeal. That specific language of MCR 7.208(E) controls over the more general language of MCR 2.614(D) and MCR 7.209(E)(4). *Haliw v City of Sterling Hts*, 471 Mich 700, 706; 691 NW2d 753 (2005); MCR 1.103. Defendants have presented no reason to stay enforcement of the injunction in this matter.



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

NOV 25 2015

Date


Chief Clerk