

Court of Appeals, State of Michigan

ORDER

Phillip Randazzo v City of Inkster

Docket Nos. 324149; 324400

LC No. 13-003917-CZ

Michael J. Kelly
Presiding Judge

Mark J. Cavanagh

Douglas B. Shapiro
Judges

The Court orders the motion for costs under MCR 7.219 is DENIED as defendant-appellant has not prevailed in full and so is not the prevailing party under the rule. MCL 600.2445(1); MCR 7.219.

It is further ordered that defendant-appellant's motion for costs under MCR 2.403(O) is granted in part and denied in part. Defendant-appellant may tax appellate costs and reasonable appellate attorney fees only for the time spent on the single issue on which they prevailed on appeal.

We further remand this matter to the trial court for the purpose of determining the appropriate time and rate of the attorney fees and costs to be awarded consistent with this order.

We do not retain jurisdiction.



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

MAY 03 2016

Date

Chief Clerk