

Court of Appeals, State of Michigan

ORDER

Anthony V Marrocco v Oakland Macomb Interceptor Drain Drainage

Docket No. 327614

LC No. 2013-002615-CZ

Michael J. Talbot
Presiding Judge

Christopher M. Murray

Deborah A. Servitto
Judges

The Court orders that the motion to reply to the answer to the motion for vexatious proceedings is GRANTED.

The motion for damages for pursuing vexatious proceedings is DENIED.

Talbot, J., would grant the motion seeking damages for pursuing a vexatious appeal, limited to expenses actually incurred in defending the appeal of the trial court's dismissal of Count II of the complaint. I believe the appeal of the trial court's dismissal of this count was "taken . . . without any reasonable basis for belief that there was a meritorious issue to be determined on appeal," MCR 7.216(C)(1)(a), and accordingly, "actual damages and expenses incurred by the opposing party" in defending the appeal of this count may be recovered, MCR 7.216(C)(2).



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

AUG 03 2016

Date

Chief Clerk