

Court of Appeals, State of Michigan

ORDER

Gregory Mackenzie v Paul Bishop

Docket No. **330225**

LC No. **14-005201-NS**

Michael J. Talbot, Chief Judge, acting under MCR 7.211(E)(2), orders:

The motion to strike is GRANTED. The deposition of Chris Carpenter appended as Exhibit 7 to appellee's brief is STRICKEN. The exhibit was not part of the circuit court record and thus is an impermissible expansion of the record on appeal. See MCR 7.210(A)(1); *Sherman v Sea Ray Boats, Inc*, 251 Mich App 41, 56; 649 NW2d 783 (2002). The Clerk is directed to remove the exhibit from appellee's brief and replace it with a copy of this order. Additionally, those portions of appellee's brief that reference those exhibits, specifically, footnote 1 on pages 5-6, the reference to Carpenter in the second paragraph on page 8, and the first full paragraph on page 17, also shall be STRICKEN.

Further, the Clerk is directed to strike the clause "Given Paul Bishop's condition" from the last sentence in the first paragraph on page 1. That clause is not supported by the cited testimony on page 16 of Paul Bishop's deposition.



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

JUN 29 2016

Date


Chief Clerk