

Court of Appeals, State of Michigan

ORDER

Ronald L Nelson v Renner Family Living Trust

Docket No. 332948

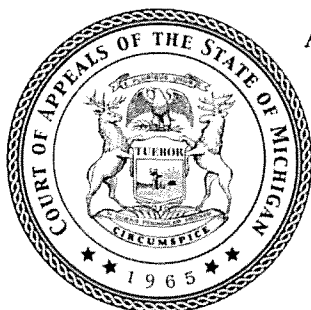
LC No. 2009-006774-CH

Patrick M. Meter
Presiding Judge

Peter D. O'Connell

Stephen L. Borrello
Judges

The Court orders that the motion to remand is DENIED. Appellants do not present proper grounds for seeking a remand under MCR 7.211(C)(1)(a) where they do not seek a remand for an initial decision as to an issue by the trial court or for further development of a factual record. Rather, the gravamen of their motion is to seek to reverse the trial court's decision as to the dismissal in question on the merits based on their contention that the trial court abused its discretion in ordering the dismissal or, failing that, for this Court to conclude in the context of this motion to remand that the trial court erred by ordering the dismissal without providing an adequate explanation for its reasons for doing so. This is relief that would properly be sought by filing a motion for peremptory reversal under MCR 7.211(C)(4), not a motion to remand. Indeed, it would be inappropriate to allow appellants to seek such a relief in a motion to remand because that would evade the unanimity requirement for granting a motion for peremptory reversal under MCR 7.211(C)(4). Further, it would be unfair to consider granting relief constituting a peremptory reversal in the context of a motion to remand because of the longer 35-day period allowed for opposing parties to timely answer a motion for peremptory reversal in contrast to the 21-day period for timely answering a motion to remand, MCR 7.211(B). We note that appellants are free to file a motion for peremptory reversal if they believe there are appropriate grounds to do so.



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

JAN 31 2017

Date

Chief Clerk