

Court of Appeals, State of Michigan

ORDER

Department of Health and Human Services v Angie Hall

Docket No. 335308

LC No. 12-000579-CZ

Jane E. Markey
Presiding Judge

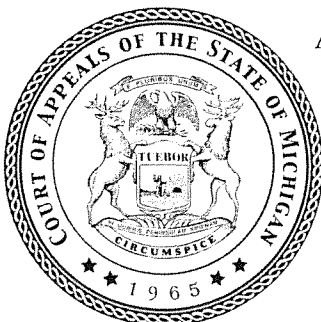
Douglas B. Shapiro

Mark T. Boonstra
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the delayed application for leave to appeal, the Court VACATES the aspect of the circuit court's August 9, 2016 order imposing on defendant a fine of \$1000 because there were no findings on the record that, at the time of the show cause hearing, defendant was not in compliance with the February 28, 2013 injunctive order. In finding a violation of that order, the circuit court relied largely on the testimony of Dana Wodrich, and to a lesser extent, on that of Melissa Hall. However, both testified that they had stopped using defendant's child care services in June 2016, the month before the show cause hearing. Unless there is other evidence from which the court could conclude that, at the time of the show cause hearing, defendant was not in compliance with the injunctive order, no fine may be imposed. *In re Contempt of Dougherty*, 429 Mich 81, 99-100; 413 NW2d 392 (1987). We REMAND with direction that the circuit court shall place on the record, either in writing or from the bench, at the court's discretion, findings of fact on that point and then apply *Dougherty*.

We also VACATE the circuit court's award of \$12,839 in attorney fees because there is nothing in the record submitted to this Court showing that the circuit court resolved the objections and arguments raised by defendant in her written response to plaintiff's report of its counsels' wages and benefits, or explaining the basis for the amount awarded. On remand, the circuit court shall rule on those objections and arguments, again, either in writing or from the bench.

In all other respects, the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented. We do not retain jurisdiction.



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

FEB 17 2017

Date


Chief Clerk