

Court of Appeals, State of Michigan

ORDER

Sherwood Village Associates Ltd v Keith Zarzycki

Docket No. 335884

LC No. 16-014289-CZ

Kirsten Frank Kelly
Presiding Judge

Michael J. Talbot

Cynthia Diane Stephens
Judges

The Court orders that the motion for immediate consideration is GRANTED.

It is further ordered that the motion for peremptory reversal pursuant to MCR 7.211(C)(4) is GRANTED because appellee cannot establish irreparable harm. *Mich AFSCME Council 25 v Woodhaven-Brownstown Sch Dist*, 293 Mich App 143, 149; 809 NW2d 444 (2011) (“The irreparable-harm factor is considered an indispensable requirement for a preliminary injunction.”). Even if homes similar to the mobile home at issue are difficult to find, appellee concedes the matter is compensable by actual damages. That appellee deems these damages “excessive” is of no moment. See *Thermatool Corp v Borzym*, 227 Mich App 366, 377; 575 NW2d 334 (1998) (irreparable harm requires a particularized showing of a “noncompensable injury for which there is no legal measurement of damages or for which damages cannot be determined with a sufficient degree of certainty.”). Further, the unsupported opinion of Sherwood’s manager that removing the mobile home *could* devalue the community or damage the pride of the remaining residents amounts to the speculative “apprehension of future injury” that does not justify entry of a preliminary injunction. *Mich AFSCME Council 25*, 293 Mich App at 149. The trial court therefore erred in issuing the preliminary injunction.

Accordingly, we VACATE the November 17, 2016 preliminary injunction and REMAND this case for proceedings consistent with this order.

This order is to have immediate effect. MCR 7.215(F)(2).

We do not retain jurisdiction.



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

JAN 24 2017

Date


Chief Clerk