

Court of Appeals, State of Michigan

ORDER

Detroit Downtown Development Authority v Lotus Industries

Docket No. 341520

LC No. 17-011066-CH


Michael J. Riordan
Presiding Judge

Michael J. Talbot

Kirsten Frank Kelly
Judges

The Court orders that the motion for immediate consideration is GRANTED. This Court observes with disapproval that appellants' counsel Andrew Paterson sought immediate consideration upon his mere "belief" that a hearing was to be held within seven days of the filing of the delayed application (which itself was filed more than four months after the orders appealed). Attorney Paterson signed the motion, in which he indicated that a hearing would be held on December 21, 2017. After a request from the Clerk's Office to provide verification that the hearing was to occur, Attorney Paterson submitted a filing at 5:33 p.m. on December 14, 2017, again requesting appellate action from this Court by December 21, 2017. Not until December 15, 2017, at 3:56 p.m., more than 24 hours after the filing of his motion for immediate consideration, did Attorney Paterson inform this Court that he had on that date conducted a reasonable inquiry of the probate court clerk and determined that no hearing was to occur on December 21, 2017. We thus find that Attorney Paterson signed the motion for immediate consideration without first making a reasonable inquiry, and from that we must conclude that the document was filed for an improper purpose to harass or to cause needless increase in the cost of litigation. Consequently, on the Court's own motion, Andrew Paterson is directed to pay to this Court \$500, as an appropriate sanction, within 28 days of this order. MCR 7.216(C).

The application for leave to appeal is DENIED.



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

DEC 21 2017

Date


Chief Clerk