

Court of Appeals, State of Michigan

ORDER

Wyngate Farms LLC v Zackary Beeke

Docket No. 340862

LC No. 2017-000400-CK

David H. Sawyer
Presiding Judge

William B. Murphy

Mark T. Boonstra
Judges

The Court orders the motion for immediate consideration is GRANTED.

The Court further orders the motion for peremptory reversal pursuant to MCR 7.211(C)(4) is GRANTED because appellee failed to carry its burden of establishing irreparable harm. *Detroit Fire Fighters Ass'n v City of Detroit*, 482 Mich 18, 34; 753 NW2d 579 (2008); see *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."). The unsupported representations of counsel reflect nothing more than counsel's speculation, Black's Law Dictionary (5th ed), p 1255 (to take to be true on the basis of evidence insufficient for certain knowledge), and "it is well settled that an injunction will not lie upon the mere apprehension of future injury or where the threatened injury is speculative or conjectural," *Mich AFSCME Council 25*, 293 Mich App at 149. The circuit court therefore abused its discretion by entering a preliminary injunction. *Cipri v Bellingham Frozen Foods, Inc*, 235 Mich App 1, 9; 596 NW2d 620 (1999).

The October 18, 2017 preliminary injunction is VACATED and this matter is REMANDED for proceedings consistent with this order.

This order has 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

MAR 30 2018

Date


Chief Clerk