

Court of Appeals, State of Michigan

ORDER

Monroe Realty, Inc v Lauren's Wholesale

Docket No. 340903

LC No. 2017-009714-AV

Patrick M. Meter
Presiding Judge

Michael F. Gadola

Brock A. Swartzle
Judges

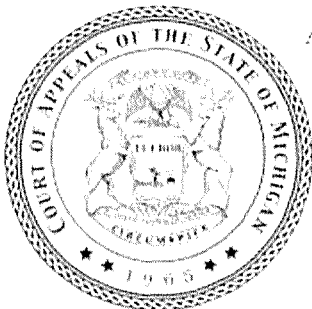
The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting the application for leave to appeal, and pursuant to MCR 7.205(E)(2), the Court PEREMPTORILY REVERSES the October 12, 2017 opinion and order of Shiawassee Circuit Court and VACATES the May 16, 2017 judgment of the 66th District Court. When defendant's president and owner appeared for the scheduled start of trial, he was not informed that he could not represent defendant's interests during the proceedings. Indeed, the district court questioned him on what his positions were on plaintiff's request for an adjournment and on returning the demised premises. It was not until the district court asked defendant's president if he wanted to cross-examine plaintiff's witness at the rescheduled trial that the court inquired about defendant's business structure and then informed him he could not act as defendant's advocate.

Moreover, under the circumstances, defendant's president's request for an adjournment did not constitute the unauthorized practice of law, because it did not involve the exercise of "legal discretion" or "profound legal knowledge." *Dressel v Ameribank*, 468 Mich 557, 569; 664 NW2d 151 (2003).

The case is REMANDED for trial in district court. Should appeal again be taken in circuit court following a judgment issued in district court, a timely application to the Michigan Court of Appeals for leave to appeal would stay enforcement of the district court's judgment pending a decision issued by the Michigan Court of Appeals. MCR 7.114(C).

The motions for stay and to waive the requirements of MCR 7.209 are DISMISSED as moot. We not retain jurisdiction.



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

FEB - 1 2018

Date

Chief Clerk