

Court of Appeals, State of Michigan

ORDER

Nestle Waters North America Inc v Osceola Township

Docket No. **341881**

LC No. **17-014990-AA**

Michael F. Gadola, Judge, acting under MCR 7.211(E)(2), orders:

The motion to strike portions of appellee's brief on appeal is DENIED. The motion is contrary to the established principle that an appellee is not required to file a cross appeal to argue alternate grounds for affirmance. See, e.g., *Hanton v Hantz Financial Services, Inc*, 306 Mich App 654, 669; 858 NW2d 481 (2014). In this regard, it is inherent in presenting an alternate ground for affirmance that an appellee will be raising arguments or presenting analysis not relied on by the lower court or tribunal in support of its decision. Appellant may file a motion to file a supplemental brief if it wishes to further respond to appellee's brief on appeal.



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

JAN 22 2019

Date

Jerome W. Zimmer Jr.
Chief Clerk