

Court of Appeals, State of Michigan

ORDER

Raymond Guzall III v David Warren

Docket No. 344507, 345190

LC No. 18-000343-CB

Anica Letica
Presiding Judge

Michael J. Kelly

Mark T. Boonstra
Judges

The Court orders that defendants' motions for sanctions for a vexatious appeal in Docket No. 344507 are GRANTED. Plaintiffs' appeal in Docket Number 344507 was brought without any reasonable basis to believe that there was a meritorious issue to be determined on appeal, and was frivolous and vexatious under MCR 7.216(C)(1)(a). See *Restiener v Sturm, Ruger & Co, Inc*, 223 Mich App 374, 377; 566 NW2d 53 (1997). As a sanction for plaintiffs' vexatious appeal, this Court awards defendants their actual damages and expenses, including attorney fees, incurred as a result of plaintiffs' appeal in Docket No. 344507.

The Court orders that defendants' motions for sanctions for a vexatious appeal in Docket No. 345190 are DENIED.

This case is REMANDED to the circuit court for (1) determination of the amount of actual damages and expenses, including attorney fees, incurred by defendants as a result of plaintiffs' vexatious appeal in Docket No. 344507 and (2) entry of an order that awards defendants sanctions in accordance with this order. Proceedings on remand are limited to the issue of defendants' damages and expenses in Docket No. 344507 only.

Within thirty days of the entry of this order, defendants shall ask the circuit court to schedule a hearing to address this matter. The circuit court shall make its determination regarding the proper amount of sanctions and enter its order that awards defendants that amount within ninety days of the date of this order. Within seven days of the entry by the circuit court of its order, defendants shall file a copy of the circuit court's order with this Court.

We do not retain jurisdiction.



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

SEP 12 2019

Date

A handwritten signature in cursive script, reading "Jerome W. Zimmer Jr.", is written over a horizontal line.
Chief Clerk