

Court of Appeals, State of Michigan

ORDER

Carlos Bell v Civil Service Commission

Docket No. 346562

LC No. 17-003861-CZ

Christopher M. Murray
Presiding Judge

Michael J. Riordan

Anica Letica
Judges

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

The motion to waive the transcript production requirement of MCR 7.209 is DENIED AS MOOT, the necessary transcript having been filed.

The motion to file a late reply is GRANTED and the reply brief filed with the motion is accepted.

Pursuant to MCR 7.205(E)(2), the Court orders that the trial court's November 7, 2018 order is VACATED, and the matter REMANDED for further proceedings. The trial court's brief statement that it was "satisfied that the plaintiff provided sufficient information to satisfy each of the elements" of *Henry v Dow Chem Co*, 484 Mich 483; 772 NW2d 301 (2009), is insufficient to indicate whether the trial court fully and correctly evaluated each of the necessary prerequisites for granting class certification. On remand, the trial court must articulate its reasoning with regard to each prerequisite before deciding whether class certification is appropriate. See MCR 3.501(A)(1) and (2); *Henry*, 484 Mich at 496-509.

The motion for stay pending appeal is DENIED AS MOOT.

This order is to have 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

JAN 23 2019

Date


Chief Clerk