Court of Appeals, State of Michigan

ORDER

Dion L Everett v McLaren Oakland

Docket No. 347644

LC No. 2017-157958-NH

Jonathan Tukel
Presiding Judge

Mark J. Cavanagh

Colleen A. O'Brien
Judges

The Court orders that the application for leave to appeal, previously held in abeyance by this Court's February 20, 2019 order, is GRANTED. The time for taking further steps in this appeal runs from the date of the Clerk's certification of this order. MCR 7.205(E)(3). This appeal is limited to the issues raised in the application and supporting brief. MCR 7.205(E)(4).

The stay of proceedings ordered by this Court on February 20, 2019 is CONTINUED.

Tukel, P.J., would deny the applications as he is not persuaded that review is warranted at this time. It was within the trial court's discretion to permit execution on the judgments at this time. MCR 7.209(E)(1). Moreover, appellants could have posted appeal bonds of the money judgments under MCR 7.209(E)(2)(a), which would have resulted in an automatic stay of execution of the judgments. Finally, by staying only the execution on the two judgments but not staying the remaining terms of the stipulated orders of dismissal or the judgments until such payments are made, this Court has essentially placed the entire case in limbo. The non-party attorneys are relieved of their obligations to make the two payments, but the trial court nevertheless is obligated to stay the remainder of the proceedings until the payments are made. It would thus appear that the entire case is at an impasse in the trial court.

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

MAY 14 2019
Date

Chief Clerk