

Court of Appeals, State of Michigan

ORDER

Keegan Maitland v Holly Jaskierny DO

Docket No. 348216

LC No. 18-110537-NH

Deborah A. Servitto
Presiding Judge

Kathleen Jansen

Colleen A. O'Brien
Judges

The Court orders that the motion to strike is GRANTED. The affidavit of Meghan Maitland attached as Exhibit 2 to appellee's brief is STRICKEN. The exhibit was not part of the circuit court record at the time the court made its decision and thus is an impermissible expansion of the record on appeal. See MCR 7.210(A)(1); *Sherman v Sea Ray Boats, Inc*, 251 Mich App 41, 56; 649 NW2d 783 (2002). The Clerk is directed to remove the exhibit from appellee's brief and replace it with a copy of this order. Additionally, those portions of appellee's brief that reference that exhibit also shall be STRICKEN.

The motion to accept a supplemental response is DENIED.

The motion to extend time to file a reply is GRANTED.

The motion to file a surreply is DENIED.

The application for leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review.

O'Brien, J., would grant the application for leave to appeal.



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

JUL 11 2019

Date

Chief Clerk