

Court of Appeals, State of Michigan

ORDER

International Outdoor Inc v SS Mitx LLC

Mark J. Cavanagh
Presiding Judge

Docket No. 350180

Colleen A. O'Brien

LC No. 2016-155472-CB

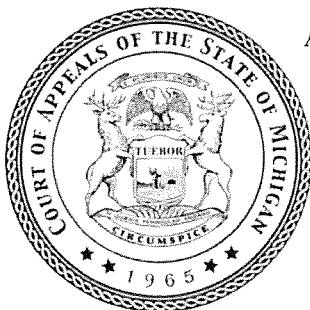
Jonathan Tukel
Judges

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

In lieu of granting the application for leave to appeal, the Court orders, pursuant to MCR 7.205(E)(2), that the August 7, 2019 order of the Oakland Circuit Court denying plaintiff's motion to dismiss postjudgment proceedings hereby is REVERSED. Generally, once an appeal is filed, the trial court does not have jurisdiction to amend its final orders or judgments. *Lemmen v Lemmen*, 481 Mich 164, 165–166; 749 NW2d 255 (2008); *Ypsilanti Fire Marshal v Kircher (On Reconsideration)*, 273 Mich App 496, 542; 730 NW2d 481 (2007). This Court, however, may remand to allow additional evidence to be taken. MCR 7.216(A)(5). In light of the pending appeal, the proper procedure to obtain the development of a factual record is by a motion for remand pursuant to MCR 7.211(C)(1) in the pending claim of appeal, *International Outdoor Inc v SS Mitx LLC*, Docket No. 345784.

This order is to have immediate effect, MCR 7.215(F)(2).

The Court retains no further jurisdiction.



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

AUG 14 2019

Date


Chief Clerk