

STATE OF MICHIGAN
COURT OF APPEALS

ELAINE GARVEY,

Plaintiff-Appellant,

v

LAKEPOINTE VILLA, an assumed name for
CLINTON RIVER CARE CENTRE, INC, JAMES
BRANSCUM and DARREN GREVITT,

Defendants-Appellees.

UNPUBLISHED

May 16, 1997

No. 188231

Macomb Circuit Court

LC No. 94-445 CK

Before: Corrigan, C.J., and Young and M.J. Talbot*, JJ.

MEMORANDUM.

Plaintiff appeals by right from an order imposing sanctions for frivolous pleadings pursuant to MCR 2.114(E). Plaintiff's age discrimination claims were dismissed on motion for summary disposition. This case is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not err in failing to conduct an evidentiary hearing on the reasonableness of the costs and fees sought, where no hearing was demanded and plaintiff did not challenge the reasonableness of the fees claimed. *Howard v Canteen Corp*, 192 Mich App 427, 438; 481 NW2d 718 (1992); *Wilson v General Motors Corp*, 183 Mich App 21, 42-43; 454 NW2d 405 (1990).

Moreover, the trial court did not abuse its discretion in awarding sanctions in the amount determined. *J C Building Corp II v Parkhurst Homes, Inc*, 217 Mich App 421, 428; 552 NW2d 466 (1996). The court's apportionment of the costs and fees equally among the companion suits recognizes the extent of the efforts expended by defense counsel in this suit, which were attributable to plaintiff's refusal to dismiss Branscum and Grevitt as defendants.

* Circuit judge, sitting on the Court of Appeals by assignment.

Affirmed.

/s/ Maura D. Corrigan
/s/ Robert P. Young, Jr.
/s/ Michael J. Talbot