

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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CHESTER RUDNICKI and SOPHIE RUDNICKI,

Plaintiffs-Appellants,

v

ISSAM ATEEK, SUHA ATEEK, VIRGINIA  
SURLETTA, and CITY OF STERLING  
HEIGHTS,

Defendants,

and

RONALD E. REYNOLDS and VERCRUYSSÉ  
MURRAY, PC,

Intervenors-Appellees.

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Before: SAAD, P.J., and JANSEN and M. J. KELLY, JJ.

JANSEN, J. (*concurring*).

I concur in the majority's conclusion that the trial court did not abuse its discretion by refusing to hold an evidentiary hearing on the motion to enforce the charging lien. I write separately to address two points.

First, as noted in the majority opinion, plaintiffs and defendants agreed to a final resolution of the drainage issue with costs of approximately \$19,000 to be covered by defendants' insurers. One outstanding issue in the case is the fact that plaintiffs have not yet cashed the insurance checks to which they are entitled. At oral argument, plaintiff Chester Rudnicki indicated that the insurance checks were not issued to plaintiffs. The attorney for intervenors-appellees indicated that at least two of the three checks were issued twice, but plaintiffs did not permit intervenors-appellees to place the money in a trust account. The attorney for intervenors-appellees stated that intervenors-appellees would obtain replacement insurance checks and would place the money in a trust account. Plaintiff Chester Rudnicki stated that plaintiffs would accept and cash the checks. Therefore, both parties agreed to work together to resolve this outstanding issue.

Second, the trial court's decision to forego an evidentiary hearing is further supported by the fact that the court reduced the fees by more than the amount to which plaintiffs objected. Plaintiffs' objections regarding the fees amounted to less than \$600. The trial court reduced the requested fees by more than \$3,000. Therefore, the trial court more than addressed plaintiffs' objections by reducing the fees owed by more than the amount to which plaintiffs objected. This further indicates that the trial court did not abuse its discretion in refusing to hold an evidentiary hearing. For this reason, and for the reasons outlined in the majority opinion, I fully concur in the majority opinion.

/s/ Kathleen Jansen