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DEC - 2 2014

LARRY S. ROYSTER
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MICHIGAN SUPREME COURT



STATE OF MICHIGAN
SUPREME COURT

JOHN V. NEWTON and BARRY NEWTON,
Plaintiffs-Appellants,

v

REBA SILVIO, GASPARE SILVIO, WENDY
NIENHAUS, and JANICE BLACKLEDGE,
Defendants-Appellees.

SC: 150367

COA: 315556

Macomb PC: 2011-203001-CZ

**Statement of Justice Viviano Denying Plaintiffs-Appellants' Motion to Disqualify
November 4, 2014**

VIVIANO, J. On November 4, 2014, appellants filed to a motion to disqualify me from this case. In their motion, appellants state that while I was serving as Chief Judge in Macomb County, "all Macomb County Probate Judges eventually recused and/or deferred from taking action in this matter and the matter was referred to the state court administrator's office for the assignment of an out-county [sic] Judge to act in the Macomb County Probate Court." In their Application for Leave to Appeal and appellate brief to the Court of Appeals, appellants further explain that after Macomb Probate Judges O'Sullivan and George recused themselves from this case because of prior dealings with one of the witnesses, "both counsel of record were then advised by the then

Chief Judge of the Macomb County Probate Court that the State Court Administrator's Office would be reassigning a new judge."

The only document in the record supporting my involvement is limited to my signature, in my capacity as Chief Judge, approving the requested reassignment. This is in keeping with my very vague recollection of this case that I had no involvement beyond operating in my administrative capacity as Chief Judge to facilitate reassignment in light of Judge O'Sullivan's and Judge George's recusals. Further, appellants have failed to articulate any grounds under MCR 2.003(C) on which to justify my recusal.

Accordingly, I see no reason to recuse myself from this case and would deny the motion.