

# Court of Appeals, State of Michigan

## ORDER

In re Contempt of Manuel J Moroun and Dan Stamper

Docket No. 308053

LC No. 09-015581-CK

Kurtis T. Wilder  
Presiding Judge

Kirsten Frank Kelly

Karen M. Fort Hood  
Judges

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

The emergency motion for release pending appeal is DENIED. The trial court relied upon MCL 600.1715 in directing imprisonment of Manuel Moroun and Dan Stamper as a sanction for its prior civil contempt finding against the Detroit International Bridge Company for failing to comply with the trial court's February 1, 2010, order. Yet, in its emergency motion for release, Moroun and Stamper rely upon MCL 770.8 in its request for release pending appeal. The statute is not applicable to an appeal from a civil contempt ruling. See *People v Jones*, 467 Mich 301, 306; 651 NW2d 906 (2002). When an appellant fails to challenge the basis of the rulings by the trial court, we need not even consider granting the party the relief requested. *Derderian v Genesys Health Care Sys*, 263 Mich App 364, 381; 689 NW2d 145 (2004). Furthermore, although Moroun and Stamper challenge the trial court's authority for directing their imprisonment, they have not filed a motion for peremptory reversal and/or for a stay of the trial court's January 12, 2012, order.

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Presiding Judge

Wilder, P.J. While I agree that MCL 770.8 is not applicable to an appeal from a civil contempt proceeding, because substantive and procedural grounds have been asserted challenging the trial court's authority to direct Moroun and Stamper's imprisonment, I would order, on the Court's own motion, the January 12, 2012 order should be STAYED, only as it pertains to the incarceration of Moroun and Stamper, pending production of the transcript of the civil contempt hearing conducted today, and filing of a brief from plaintiff-appellee.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

JAN 12 2012

Date

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Larry S. Royster  
Chief Clerk