Court of Appeals, State of Michigan

ORDER

Eleanor Oegema v Patricia Bell DO

Docket No. 316499

LC No. 04-000280-NH

Patrick M. Meter
Presiding Judge

Peter D. O'Connell

Donald S. Owens
Judges

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

The motion to dismiss is DENIED. Notably, the motion to dismiss does not raise any ground for dismissal that can reasonably be considered to present a ground for dismissal on the basis that this Court lacks jurisdiction over the present appeal or that this appeal was not filed or pursued in conformity with the rules under MCR 7.211(C)(2)(a)-(b). Rather, regardless of whether appellees consciously recognize this, the present motion to dismiss amounts to a disguised motion to affirm under MCR 7.211(C)(3) because it actually argues that the issues raised in appellants' brief on appeal are not properly raised. Recognizing the motion to dismiss as a disguised motion to affirm, we conclude that it should be DENIED for failure to persuade the Court that it is manifest that the questions to be reviewed are so unsubstantial as to need no argument or formal submission or that those questions were not properly raised.

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

SEP 25 2013

Date

Chief Clerk