

Court of Appeals, State of Michigan

ORDER

Estate of Melody Grimmer v Daniel T Lee MD

Docket No. 318046

LC No. 13-003094-NH

Michael J. Kelly
Presiding Judge

Donald S. Owens

Stephen L. Borrello
Judges

The motion for immediate consideration is GRANTED.

The motion to dismiss this appeal is DENIED because this appeal is plainly not moot where this Court could grant the relief sought in appellant's brief. Whether this Court should decline to grant such relief based on appellant's alleged failure to respond to the relevant summary disposition motions in the trial court goes to the proper resolution of the merits of the appeal, not to whether this appeal is moot. See, e.g., *Kieta v Thomas M. Cooley Law School*, 290 Mich App 144, 147; 799 NW2d 579 (2010) (issue moot if subsequent event renders it impossible for appellate court to fashion a remedy).

The motion to affirm is also DENIED because we are not persuaded that affirmance is so manifestly warranted as to be appropriate without formal submission of this appeal to a case call panel.



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

MAR 19 2014

Date


Chief Clerk