

Court of Appeals, State of Michigan

ORDER

Jan Baciak v Ron Vaagenes

Docket No. 275090

LC No. 06-608814-AV

Michael J. Talbot
Presiding Judge

Brian K. Zahra

Christopher M. Murray
Judges

In lieu of granting the delayed application, the Court orders, pursuant to MCR 7.205(D)(2), that the September 5, 2006, order of the Wayne Circuit Court remanding for the entry of a judgment for \$9,523 hereby is VACATED. Courts may not "set aside a nonjury award merely on the basis of a difference of opinion." *Meek v Dep't of Transportation*, 240 Mich App 105, 121; 610 NW2d 250 (2000). Contrary to the circuit court's finding, the district court did not ignore the damages estimate provided by plaintiffs. The cause is REMANDED for reinstatement of the March 3, 2006, judgment of the district court.

The Court retains no further jurisdiction. This order is to have immediate effect, MCR 7.215(F)(2).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 26 2007

Date

Sandra Schultz Mengel
Chief Clerk