IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Salem A Elbgal v City of Dearborn**
Docket No. **285292**
L.C. No. **07-705569-NO**

Brian K. Zahra, Judge, acting under MCR 7.211(E)(2), orders:

The motion to strike appellant's reply brief is GRANTED. The reply brief is STRICKEN because it is not confined to rebuttal of the arguments in appellee's brief as required under MCR 7.212(G) and the suggestions in the reply brief that appellee's counsel is lying about the facts may be considered vexatious under MCR 7.216(C)(1)(b). Since defendant-appellee's brief does not include any statements about the certified mail issue, the reference to the issue in the reply brief exceeds the rebuttal permitted under MCR 7.212(G). And insofar as the record includes one police report that lists the accident location as 10421 Dix and another police report that indicates that the accident occurred in front of 10501 Dix and it is difficult, if not impossible, to determine from the rest of the record that the accident did not occur in front of 10501 Dix, it is certainly not a proper or fair presentation of the issue to suggest that appellee's counsel is lying when counsel states that the accident occurred in front of 10501 Dix.

Appellant may file a conforming reply brief to replace the stricken brief within 14 days after the Clerk's certification of this order.

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

OCT 13 2008
Date

Sandra Schultz Mengel
Chief Clerk