

Court of Appeals, State of Michigan

ORDER

City of Detroit v Jonathan Sobeloff

Docket No. 288464

LC No. 05-522129-CC

Kirsten Frank Kelly
Presiding Judge

Kurtis T. Wilder

Karen Fort Hood
Judges

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

The application for leave to appeal is DENIED for lack of merit in the grounds presented. To the extent that defendants attempt to challenge the compensation amount offered by the city in the instant appeal, defendants were free file a delayed application for leave to appeal the June 29, 2007, order involving compensation to be held in escrow, yet they chose not to do so, so that issue is not before this Court. Further, under the totality of the circumstances here, the Court cannot conclude that defendants are entitled to an evidentiary hearing regarding apportionment pursuant to MCL 213.59(6), even assuming that statute applies to this case. Additionally, the record reflects that the city attempted to provide relocation assistance to defendants, but defendants failed to comply with the city's procedures; thus, defendants are not entitled to relief under MCL 213.59(7). This Court finds no merit in the issues raised by defendants given the history of this case.



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

NOV 03 2008

Date

Sandra Schultz Mengel
Chief Clerk