

Court of Appeals, State of Michigan

ORDER

Brett Matthew Schiebner v Jessica Lynn Schiebner

Docket No. 321173

LC No. 13-047392-DM

Donald S. Owens
Presiding Judge

Stephen L. Borrello

Michael J. Kelly
Judges

The Court orders that the motion to respond to the answer to the motion to dismiss is GRANTED.

However, the motion to dismiss this appeal is DENIED because it is not based on any of the permissible grounds for a motion to dismiss under MCR 7.211(C)(2). To allow an appellee to prevail on a motion to dismiss on other grounds would improperly render nugatory or mere surplusage the enumeration in MCR 7.211(C)(2) of the grounds on which a motion to dismiss may be brought. See, e.g., *In re McCarrick/Lamoreaux*, 307 Mich App 436, 447; 861 NW2d 303 (2014) (any interpretation rendering any part of a court rule surplusage or nugatory must be avoided). We also note that appellant advances many legal arguments not meaningfully responded to by appellee in support of appellant's position that the alleged arbitration award is not legally binding. Further, the circumstances surrounding the relevant arbitration or mediation proceeding are not part of the record for this appeal.



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

JUN - 9 2015

Date

Chief Clerk