Court of Appeals, State of Michigan

ORDER

Re: **Estate of Bimla Nayyar v Oakwood Healthcare Inc**

Docket No. **327506**

LC No. **13-009819-NH**

Christopher M. Murray, Judge, acting under MCR 2.003(D)(3), orders:

The motion for immediate consideration is GRANTED.

The motion to recuse is DENIED. I am denying the motion to recuse because "judicial rulings, in and of themselves, almost never constitute a valid basis for a motion alleging bias, unless the judicial opinion displays a deep-seated favoritism or antagonism that would make fair judgment impossible and overcomes a heavy presumption of judicial impartiality." *Armstrong v Ypsilanti Charter Twp*, 248 Mich App 573, 597; 640 NW2d 321 (2001) (quotation omitted). See also *Cain v Dep't of Corrections*, 451 Mich 470, 496; 548 NW2d 210 (1996) (same); *Ypsilanti Fire Marshal v Kircher*, 273 Mich App 496, 554; 730 NW2d 481 (2007) ("The mere fact that a judge rules against a litigant, even if the rulings are determined to be erroneous, is not sufficient to require disqualification or reassignment."); *Bayati v Bayati*, 264 Mich App 595, 603; 691 NW2d 812 (2004) ("Repeated rulings against a party, no matter how erroneous, or vigorously or consistently expressed, are not disqualifying."); *Band v Livonia Assoc*, 176 Mich App 95, 118; 439 NW2d 285 (1989), citing *Mahlen Land Corp v Kurtz*, 355 Mich 340, 350; 94 NW2d 888 (1959) ("The court must form an opinion as to the merits of the matters before it. This opinion, whether pro or con, cannot constitute bias or prejudice."). The issue of whether the trial court's May 5, 2015 order amounted to an impermissible collateral attack was argued in this Court by the parties, perhaps most vigorously by Plaintiff. Consequently, our discussion of the issue in the order can hardly be said to demonstrate "deep-seated favoritism or antagonism that would make fair judgment impossible," nor does it "overcome[] a heavy presumption of judicial impartiality." *Armstrong*, 248 Mich App at 597. Likewise, the decision to grant immediate consideration is not grounds for recusal. *Id.*

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

JUN 17 2015

Date

Chief Clerk