

Order

Michigan Supreme Court
Lansing, Michigan

September 21, 2011

Robert P. Young, Jr.,
Chief Justice

142910

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

GUY HISSONG and BETHANY HISSONG,
Plaintiffs-Appellees,

and

MARK R. DANCER,
Appellant,

SC: 142910
COA: 294956
Wexford CC: 06-019885-CE

v

STEWART BRYCE, CAROLYN BRYCE,
COUNTY OF WEXFORD, WEXFORD
COUNTY DEPARTMENT OF PUBLIC WORKS,
and WEXFORD COUNTY LANDFILL,
Defendants-Appellees,

and

JILANE FENNER and FENNER REAL ESTATE,
INC., a/k/a EXIT REALTY OF GREATER
CADILLAC,
Defendants.

On order of the Court, the application for leave to appeal the March 3, 2011 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals, for the reasons stated in the Court of Appeals dissenting opinion, and we REMAND this case to the Wexford Circuit Court for reconsideration of the defendants' motion for sanctions pursuant to MCR 2.114(D), (E), (F) and MCL 600.2591. On remand, if the circuit court again assesses sanctions, we direct the court to determine whether the plaintiffs' co-counsel at the time of the defendants' motion for summary disposition—James P. O'Neill and Robert Charles Davis—should be held jointly and severally liable for the assessment, along with the plaintiffs and their former attorney, Mark R. Dancer.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 21, 2011

Corbin R. Davis

Clerk