

Order

Michigan Supreme Court
Lansing, Michigan

March 8, 2006

Clifford W. Taylor,
Chief Justice

128560

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

H.A. SMITH LUMBER & HARDWARE CO.,
Plaintiff/Counter-
Defendant/Appellee,

v

SC: 128560
COA: 238521
Oakland CC: 1999-015436-CZ

JOHN DECINA,
Defendant/Cross-
Defendant/Appellant,

and

JOHN DECINA DEVELOPMENT CO.,
Third Party Defendant/Cross-
Defendant/Counter-Plaintiff/
Appellant,

and

LINAS P. GOBIS and LYDIA K. GOBIS,
Defendants/Cross-Plaintiffs/
Cross-Defendants/Counter-
Defendants/Appellees,

and

WILLIAM GARDELLA d/b/a WILLIAMS
GLASS CO.,
Defendant/Counter-Plaintiff/
Cross/Plaintiff/ Third Party
Plaintiff/Appellee.

On order of the Court, the application for leave to appeal the March 3, 2005 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G) (1), in lieu of granting leave to appeal, we REMAND this case to the Oakland Circuit Court for further consideration. On remand, the Oakland Circuit Court is DIRECTED to articulate in writing, and to file with the Clerk of the Supreme Court within 120 days of this order, its written explanation of the legal bases for its attorney fees awards to plaintiff-appellee H.A. Smith Lumber & Hardware Company and defendant-appellee William Gardella d/b/a Williams Glass Company.

We retain jurisdiction.



s0301

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.

March 8, 2006

Corbin R. Davis

Clerk