

Order

Michigan Supreme Court
Lansing, Michigan

November 15, 2012

Robert P. Young, Jr.,
Chief Justice

146104 & (16)(17)

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

MAYOR OF THE CITY OF CADILLAC,
Petitioner-Appellant,

v

SC: 146104
COA: 312803
Wexford CC: 2011-023578-CZ

JIM BLACKBURN,
Respondent-Appellee.

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the October 29, 2012 order 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 order of the Court of Appeals and REMAND this case to the Court of Appeals, which shall review the application for leave to appeal and decide whether to grant, deny, or order other relief in accordance with MCR 7.205(D)(2). The Court of Appeals has jurisdiction over the petitioner's application for leave to appeal pursuant to Const 1963, art 6, § 10, MCL 600.308(2)(e), and MCR 7.203(B)(1).

The motion to stay is GRANTED, and the proceedings in the Wexford Circuit Court are stayed pending the completion of this appeal. On motion of a party or on its own motion, the Court of Appeals may modify, set aside, or place conditions on the stay if it appears that the appeal is not being vigorously prosecuted or if other appropriate grounds appear.



h1115

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.

November 15, 2012

Corbin R. Davis

Clerk