

Court of Appeals, State of Michigan

ORDER

BMT AEROSPACE USA INC V CLIFFORD J WOODY

Elizabeth L. Gleicher
Presiding Judge

Docket No. 314146

Mark J. Cavanagh

LC No. 2012-004727-CK

Deborah A. Servitto
Judges

The Court orders that the motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(D)(2), the Court orders that the Macomb Circuit Court's January 2, 2013 opinion and order granting a preliminary injunction is VACATED. Plaintiff did not present evidence to the circuit court which made a particularized showing that it would suffer irreparable harm if the injunction was not issued, an indispensable requirement to obtain a preliminary injunction. *Pontiac Firefighters Union Local 376 v Pontiac*, 482 Mich 1; 753 NW2d 595 (2008); *AFSCME Council 25 v Woodhaven-Brownstown School District*, 293 Mich App 143; 809 NW2d 444 (2011). Nor did the circuit court find that plaintiff was likely to prevail on the merits, another factor which must be shown to obtain a preliminary injunction. *Pharmaceutical Research & Mfgs v Dept of Community Health*, 254 Mich App 397; 657 NW2d 162 (2002). The trial court abused its discretion by granting plaintiff the requested injunction based on findings which were unsupported by any evidence or not made by the court. Furthermore, the January 2, 2013 opinion and order fails to "describe in reasonable detail ... the acts restrained" as required by MCR 3.310(C)(3).

The Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

FEB 08 2013

Date


Chief Clerk