

STATE OF MICHIGAN
COURT OF APPEALS

VALERY ESSON,

Plaintiff-Appellee,

v

DEPARTMENT OF CORRECTIONS and ACTING
OF THE DEPARTMENT OF CORRECTIONS,

Defendants-Appellants.

UNPUBLISHED

May 1, 1998

No. 198719

Jackson Circuit Court

LC No. 94-070813 NO

Before: Holbrook, Jr., P.J., and Gribbs and R.J. Danhof,* JJ.

MEMORANDUM.

Defendants appeal by leave granted from a circuit court order denying their motion for mediation sanctions under MCR 2.403(O). We dismiss defendants' appeal.

Defendants moved for mediation sanctions after the trial court granted their motion for summary disposition. Although we find merit to defendants' argument that the trial court erred in denying their motion, we conclude that the issue has been rendered moot by this Court's decision in plaintiff's related appeal, wherein this Court reversed the trial court's grant of summary disposition in favor of defendants. *Esson v Dep't of Corrections*, (Docket No. 196012, issued October 7, 1997), unpublished opinion per curiam of the Court of Appeals. Because any entitlement to mediation sanctions is predicated on the decision granting summary disposition, and because that decision has now been reversed, we dismiss defendants' appeal as moot. *In re Forfeiture of \$53*, 178 Mich App 480, 485-486; 444 NW2d 182 (1989).

Dismissed.

/s/ Donald E. Holbrook, Jr.

/s/ Roman S. Gribbs

/s/ Robert J. Danhof

* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.