

Order

Michigan Supreme Court
Lansing, Michigan

November 19, 2014

149167 & (20)(21)

WELLS FARGO BANK, N.A.,
Plaintiff-Appellee,

v

CHERRYLAND MALL LIMITED
PARTNERSHIP and DAVID SCHOSTAK,
Defendants-Appellants.

Robert P. Young, Jr.,
Chief Justice

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

SC: 149167
COA: 319894
Grand Traverse CC:
10-028149-CH

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the March 18, 2014 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration, as on leave granted, of whether the trial court exceeded its authority when it granted plaintiff's motion to pursue alternative grounds for relief when the Court of Appeals originally remanded only to determine "whether plaintiff is entitled to costs, expenses, and attorney fees with respect to count IV."

The motion for stay is GRANTED. Trial court proceedings 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.



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I, Larry S. Royster, 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 19, 2014


Clerk