

STATE OF MICHIGAN  
COURT OF APPEALS

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LEE B. KIEFER,

Plaintiff-Appellant,

v

GEORGE MATICK CHEVROLET, RANDY RICE  
and GEORGE S. MATIC, JR.,

Defendants-Appellees.

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UNPUBLISHED

July 15, 1997

No. 194548

Wayne Circuit Court

LC No. 94-416774 NO

Before: Cavanagh, P.J., and Doctoroff and D.A. Teeple\*, JJ.

MEMORANDUM.

Plaintiff appeals by right a Wayne Circuit Court order dismissing his action for age discrimination under the Elliott-Larsen Civil Rights Act on the basis of an out-of-court settlement. This case is being decided without oral argument pursuant to MCR 7.214(E).

At the evidentiary hearing concerning the making of the settlement agreement, plaintiff admitted on cross-examination that he had indeed authorized his attorney to settle the case for \$30,000. After plaintiff's then attorney advised opposing counsel that the settlement offer was accepted and informed the judge that the trial scheduled for the next day would no longer be necessary, plaintiff had a change of heart. However, this is not a case where the evidence establishes that there was no actual meeting of the minds, so that a formal, written settlement agreement or statement of the accord in open court is required to make the settlement enforceable under MCR 2.507(H). *Cf. Brunet v Decorative Engineering, Inc*, 215 Mich App 430, 436; 546 NW2d 641 (1996).

Here, there was a meeting of the minds, and inasmuch as plaintiff's counsel had actual authority to settle the case on the terms ultimately effectuated, plaintiff had no right to subsequently revoke that authority and thereby avoid the terms of the settlement. *Michigan National Bank v Patmon*, 119 Mich App 772, 779; 327 NW2d 355 (1982).

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

Affirmed.

/s/ Mark J. Cavanagh  
/s/ Martin M. Doctoroff  
/s/ Donald A. Teeple