

STATE OF MICHIGAN
COURT OF APPEALS

THEDFORD A. ROWSER,

Plaintiff-Appellant,

v

STATE OF MICHIGAN and CITY OF DETROIT,

Defendants-Appellees.

UNPUBLISHED

February 23, 2001

No. 217326

Wayne Circuit Court

LC No. 98-800114-CH

Before: Meter, P.J., and Neff and O'Connell, JJ.

MEMORANDUM.

Plaintiff appeals as of right the order dismissing this action for failure to attend a mandatory settlement conference. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff brought this action seeking title to property she occupied in the City of Detroit. She claimed an interest in the property through a 1991 tax sale for delinquent 1988 Wayne County taxes. The state obtained the deed to the property after the redemption periods expired.

The circuit court scheduled a settlement conference for December 9, 1998. The notice stated that failure to appear may result in dismissal. A mediation evaluation notice also informed the parties of the settlement conference and also warned them that failure to appear may result in dismissal. Counsel for both defendants appeared at the settlement conference, but plaintiff did not. The trial court granted the motion to dismiss. Plaintiff moved to reinstate, but failed to appear for the hearing that she scheduled.

MCR 2.504(B)(1) provides: "If the plaintiff fails to comply with these rules or a court order, a defendant may move for dismissal of an action or a claim against that defendant."

A trial court's dismissal of a case under MCR 2.504(B)(1) for failure to comply with the court's orders is reviewed for abuse of discretion. *Thorne v Carter*, 149 Mich App 90, 93; 385 NW2d 738 (1986). There is no showing that the court abused its discretion in the instant case. Plaintiff failed to attend the hearing on her motion to reinstate the case, and did not present

sufficient reasons for reopening the matter.

Affirmed.

/s/ Patrick M. Meter

/s/ Janet T. Neff

/s/ Peter D. O'Connell