

STATE OF MICHIGAN  
COURT OF APPEALS

---

ELITE PUBLISHING,

Plaintiff-Appellant,

v

W. EDWARD WENDOVER and SALLY  
REPECK,

Defendants-Appellees.

---

UNPUBLISHED  
November 9, 2004

No. 248971  
Wayne Circuit Court  
LC No. 00-039214-CK

Before: Murray, P.J., and Sawyer and Smolenski, JJ.

MEMORANDUM.

Plaintiff appeals as of right from a circuit court order of dismissal. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We agree with plaintiff that the trial court erred in entering defendants' proposed order of dismissal because plaintiff had filed timely objections to entry of the order and the matter had been noticed for settlement before the court. MCR 2.602(B)(3) and (4). However, we agree with defendants that plaintiff was not prejudiced by the error.

The order as entered comported with the material terms of the settlement agreement as stated by the parties on the record. Although it did not expressly state that plaintiff could file an appropriate motion in the event defendants violated the order, the absence of such a statement does not affect plaintiff's legal right to seek relief for breach of the agreement. The trial court has inherent authority to sanction misconduct. *Cummings v Wayne Co*, 210 Mich App 249, 252-253; 533 NW2d 13 (1995). The violation of a court order is punishable through contempt proceedings "even though the order is set aside on appeal or though the basic action has become moot." *In re Contempt of Dudzinski*, 257 Mich App 96, 110; 667 NW2d 68 (2003), quoting *United States v United Mine Workers of America*, 330 US 258, 294; 67 S Ct 677; 91 L Ed 884 (1947).

Affirmed.

/s/ Christopher M. Murray  
/s/ David H. Sawyer  
/s/ Michael R. Smolenski