

STATE OF MICHIGAN
COURT OF APPEALS

FRANCIS JOSEPH HINSBERG,

Plaintiff/Counter-Defendant-
Appellee,

v

MARIA HINSBERG,

Defendant/Counter-Plaintiff-
Appellant.

UNPUBLISHED

August 19, 2010

No. 290481

Genesee Circuit Court

LC No. 07-275950-DM

Before: SAWYER, P.J., and BANDSTRA and WHITBECK, JJ.

SAWYER, P.J. (*concurring in part and dissenting in part*).

I agree with the majority on all issues except their determination that it was an abuse of discretion to only grant \$5,500 in attorney fees to appellant. It is within the trial court's sound discretion to award a party attorney fees in a domestic relations matter if the record supports a need for such. *Borosky v Borosky*, 273 Mich App 666, 687; 733 NW2d 71 (2007).

A review of the record indicates that appellant hired numerous attorneys during the duration of this litigation, and she also refused to accept mediation or continue with the mediation process. The record also reflects that appellee paid for the above mediation. On the basis of the total record, I conclude that the trial judge did not abuse his discretion when allocating attorney fees.

And finally, I respectfully disagree with my colleagues and would not remand this matter back to the trial court for a determination whether additional attorney fees are warranted for this appeal, because I would affirm on all issues.

/s/ David H. Sawyer