

STATE OF MICHIGAN
COURT OF APPEALS

BJ'S & SONS CONSTRUCTION COMPANY,
INC.,

Plaintiff/Counter-Defendant-
Appellant,

v

GEORGE VANSICKLE and LINDA
VANSICKLE,

Defendants/Counter-
Plaintiffs/Cross-Defendants-
Appellees,

and

TWO SHOE BOXES, INC.,

Defendant/Cross-Plaintiff-Appellee,

and

ROBERT J. HARVEY and STEPHEN E.
SHEFMAN,

Appellants.

FOR PUBLICATION
May 10, 2005
9:20 a.m.

No. 250815
Oakland Circuit Court
LC No. 2000-023864-CH

BJ'S & SONS CONSTRUCTION COMPANY,
INC.,

Plaintiff-Appellant,

v

TWO SHOE BOXES, INC.,

Defendant-Appellee,

No. 250816
Oakland Circuit Court
LC No. 2000-027305-CH

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and

ROBERT J. HARVEY and STEPHEN E.
SHEFMAN,

Appellants.

Before: Kelly, P. J., and Saad and Smolenski, JJ.

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

I concur only in the conclusion that the trial court properly imposed attorney fees and costs as sanctions in this case. I disagree, however, with retaining jurisdiction after remand as it is an unnecessary waste of appellate resources. The only issue remaining is the amount of appellate sanctions to be imposed. The trial court is perfectly capable of conducting an evidentiary hearing to determine this amount without our oversight, particularly given the care and attention it has previously given to this matter.

/s/ Kirsten Frank Kelly