

STATE OF MICHIGAN
COURT OF APPEALS

BRUCE LINDSTROM,

Plaintiff-Appellee,

v

ROYAL SCOT LANES and MR K ENTERPRISES,
INC.,

Defendant-Appellants.

UNPUBLISHED

July 8, 1997

No. 192412

Clinton Circuit Court

LC No. 94-007372 NO

Before: Saad, P.J., and Hood and McDonald, JJ.

MEMORANDUM.

Defendants appeal as of right from the circuit court's order denying their motion for attorney fees. We affirm. This case is being decided without oral argument pursuant to MCR 2.714(E).

The grant of attorney fees under MCR 2.405(D) should be the rule rather than the exception. *Miller v Meijer, Inc*, 219 Mich App 476, 480; 556 NW2d 890 (1996); *Luidens v 63rd District Court*, 219 Mich 24, 31-32; 555 NW2d 709 (1996). A trial court may, however, in the interest of justice, refuse to award an attorney fee under this court rule. MCR 2.405(D)(3). The record in this case supports the trial court's finding that an award of attorney fees would not serve the interest of justice. Accordingly, we find that the trial court properly denied an attorney fee award. *Luidens, supra* at 35-36.

Affirmed.

/s/ Henry William Saad

/s/ Harold Hood

/s/ Gary R. McDonald