

STATE OF MICHIGAN
COURT OF APPEALS

RANDY MORSE,

Plaintiff-Appellant,

v

AUTOZONE, INC. and DAVE MICHALAK,

Defendants-Appellees.

UNPUBLISHED

March 5, 2002

No. 228302

Wayne Circuit Court

LC No. 97-729897-CZ

Before: Bandstra, P.J., and Murphy and Murray, JJ.

MEMORANDUM.

Plaintiff appeals as of right from a circuit court order granting defendants' motion for case evaluation sanctions under MCR 2.403(O). We affirm.

Plaintiff's appeal from the order granting sanctions has not been preserved for review. Not only has plaintiff failed to provide the transcript from the hearing on the motion, *Thomas v McGinnis*, 239 Mich App 636, 649; 609 NW2d 222 (2000), he has not addressed the basis of the court's ruling nor alleged any error with respect to that ruling. *Caldwell v Chapman*, 240 Mich App 124, 132-133; 610 NW2d 264 (2000); *Joerger v Gordon Food Service, Inc.*, 224 Mich App 167, 175; 568 NW2d 365 (1997).

Plaintiff's argument that the trial court erred in denying his motion for relief from judgment without holding an evidentiary hearing is not properly before the Court because plaintiff did not file an appeal as of right from that order nor seek leave to appeal it. See MCR 7.203(A)(1), (B)(5).

Affirmed.

/s/ Richard A. Bandstra

/s/ William B. Murphy

/s/ Christopher M. Murray