

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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SUEZETTE A. MINDER and WINTER  
RANDOLPH JOSEPH HILL,

UNPUBLISHED  
April 19, 2002

Plaintiffs-Appellants,

v

TOWNSHIP OF CLAY, KENNETH L.  
CANODE, HERMAN E. MONTVILLE, JR.,  
GRAHAM RUMMEL, DENNIS SCHAIBLE,  
and JAMES HAGGERTY,

No. 228517  
St. Clair Circuit Court  
LC No. 98-000052-NO

Defendants-Appellees.

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Before: Gage, P.J., and Griffin and G. S. Buth\*, JJ.

MEMORANDUM.

In 1998, the trial court granted summary disposition to defendants of plaintiffs' tort claims and further held that the claims were frivolous, imposing sanctions against plaintiffs Minder and Hill of \$8,425, and against plaintiffs' counsel, Robert J. Lord, of \$5,500. Plaintiffs appealed to this Court, and defendants filed motions to affirm and for an additional award of sanctions against plaintiffs for filing a vexatious appeal. This Court granted the motions and remanded the matter to the trial court for a determination of defendants' actual damages in defending against the frivolous appeal. MCR 7.216(C). This Court denied plaintiffs' motion for rehearing, and the Michigan Supreme Court denied plaintiffs' application for leave to appeal. On remand, the trial court entered judgment of sanctions of \$10,925 (\$8,425 plus \$2,500) against plaintiffs Minder and Hill, and sanctions of \$5,500 against Lord. Plaintiffs now appeal as of right from the judgment of sanctions entered on June 26, 2000. We affirm.

On appeal, plaintiffs argue that the judgment of sanctions is invalid because it was not approved as to form by any party, citing out of context from MCR 2.602(B)(2). The argument is spurious and frivolous. The trial court signed and entered defense counsel's proposed judgment the day of the hearing; thus, the judgment was validly entered under the plain language of MCR 2.602(B)(1). Moreover, plaintiffs had ample opportunity to challenge the proposed judgment at the hearing or after but chose not to do so. Plaintiffs did in fact file a written response to defendants' motion for entry of judgment, but the objection raised—that the trial court lacked

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\* Circuit judge, sitting on the Court of Appeals by assignment.

subject-matter jurisdiction because there was “no pending case”—was frivolous, like virtually every aspect of this litigation pursued by plaintiffs.

Affirmed.

/s/ Hilda R. Gage  
/s/ Richard Allen Griffin  
/s/ George S. Buth