

STATE OF MICHIGAN
COURT OF APPEALS

MIRKO DIMOVSKI,

Plaintiff/Cross-Defendant-
Appellee,

V

HERMAN J. ANDERSON,

Defendant/Cross-Plaintiff-
Appellant.

UNPUBLISHED

December 27, 2002

No. 234547

Wayne Circuit Court

LC No. 01-101306-CZ

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

MEMORANDUM.

Defendant appeals as of right a judgment of the circuit court confirming a supplemental arbitration award issued April 18, 2000. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant argues that the circuit court abused its discretion in denying defendant's motion to vacate the arbitration award. We disagree and affirm the lower court's ruling that defendant's cross claim and motion to vacate the arbitration award filed February 9, 2001, were untimely. MCR 3.602(J)(2)¹, *DAIIE v Sanford*, 141 Mich App 820; 369 NW2d 239 (1985). As the lower court correctly held, defendant's motion to vacate, made more than nine months after the delivery of the arbitration award, was clearly outside the twenty-one-day deadline established by the court rule. Furthermore, we agree with the lower court's ruling that on this record, the arbitrator did not exceed his authority. *Gordon Sel-Way v Spence Bros, Inc*, 438 Mich 488, 496-497; 475 NW2d 704 (1991).

¹ MCR 3.602(J)(2) states as follows:

An application to vacate an award must be made within 21 days after delivery of a copy of the award to the applicant, except that if it is predicated on corruption, fraud, or other undue means, it must be made within 21 days after the grounds are known or should have been known.

Affirmed.

/s/ Richard A. Bandstra
/s/ William B. Murphy
/s/ Richard Allen Griffin