

STATE OF MICHIGAN  
COURT OF APPEALS

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PHIL SIMON and PHIL SIMON ENTERPRISES,  
INC,

UNPUBLISHED  
April 1, 2004

Plaintiff-Appellant,

V

HENRY JAMES TELMAN,

Nos. 241834, 243525  
Kent Circuit Court  
LC No. 01-007371-NM

Defendant-Appellee.

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Before: Meter, P.J., Borrello and Wilder, JJ.

WILDER, J. (*concurring*).

I join in the majority opinion in docket no. 241834, and concur in the result in docket no. 243525. I write separately in docket no. 243525 to state my disagreement with the reasoning employed by the majority in remanding to the trial court for an evidentiary hearing on the reasonableness of the attorney fees requested. As noted in *Kernan v Homestead Development*, 252 Mich App 689, 691 (2002), an evidentiary hearing is not required to determine the reasonableness of a request for attorney fees where the record is sufficient to review the issue. We review a trial court's determination to deny an evidentiary hearing on the basis that the record was sufficient for an abuse of discretion. *Id.*

Nevertheless, I concur in the remand for an evidentiary hearing because it is not readily apparent from the record that the trial court in fact had a sufficient record from which to consider the reasonableness of the request. The trial court's statement that it was "very familiar with this file, very familiar with the work that goes into preparing a file" cannot satisfy the "sufficient record" threshold because it provides an inadequate statement of factors relied upon by the trial court from which this Court can conduct its review. See, e.g., *Wood v DAIIE*, 413 Mich 573, 588; 321 NW2d 653 (1982). Thus, I agree based on the limited record in this case that the trial court abused its discretion in denying the request for evidentiary hearing.

/s/ Kurtis T. Wilder