

STATE OF MICHIGAN  
COURT OF APPEALS

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CITY OF TAYLOR,

Plaintiff-Appellee,

v

MAYOR OF THE CITY OF TAYLOR,

Defendant-Appellant.

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UNPUBLISHED  
October 29, 2013

No. 311510  
Wayne Circuit Court  
LC No. 12-008749-AW

Before: SAAD, P.J., and SAWYER and JANSEN, JJ.

MEMORANDUM.

Defendant appeals as of right the trial court's order issuing a writ of mandamus in this city charter interpretation case. We dismiss the appeal as moot.

Defendant argues that the city council's resolution ordering him to accept a federal grant violated the city charter's separation of powers; the city council failed to establish the necessary elements for a writ of mandamus; and the city council lacked authority to file the lawsuit. However, this appeal is moot. "[A]ppellate courts will sua sponte refuse to hear cases that they do not have the power to decide, including cases that are moot." *People v Richmond*, 486 Mich 29, 35; 782 NW2d 187 (2010) (citations and quotation marks omitted). "An issue becomes moot when a subsequent event renders it impossible for the appellate court to fashion a remedy." *Kieta v Thomas M Cooley Law Sch*, 290 Mich App 144, 147; 799 NW2d 579 (2010). A "[c]ourt does not reach moot questions or declare principles or rules of law that have no practical legal effect in the case before us unless the issue is one of public significance that is likely to recur, yet evade judicial review." *Detroit v Ambassador Bridge Co*, 481 Mich 29, 50; 748 NW2d 221 (2008) (internal quotations and citations omitted). Defendant accepted the grant that the parties were disputing whether to accept. Defendant asks this Court to reverse the trial court's writ of mandamus and order the trial court to enter a no cause of action in favor of defendant. Defendant's issue on appeal relating to the trial court's issuance of the writ of mandamus and the correct party issue "have no practical legal effect" and are not likely to recur. *Ambassador Bridge Co*, 481 Mich at 50. Similarly, while defendant's separation of powers argument is likely to recur, there is no indication that a separation of powers dispute would always be time sensitive, and therefore, evade judicial review. Therefore, defendant's appeal is not justiciable.

Dismissed as moot.

/s/ Henry William Saad  
/s/ David H. Sawyer  
/s/ Kathleen Jansen