Court of Appeals, State of Michigan

ORDER

Detroit Board of Education v Robert C. Bobb

Docket No. 297687

LC No. 09-010160-AW

Alton T. Davis
Presiding Judge

William C. Whitbeck

Donald S. Owens
Judges

The Court orders that the motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal the Court orders that the preliminary injunction issued April 16, 2010 is VACATED. Plaintiff failed to meet the burden of establishing that a preliminary injunction should be issued. MCR 3.310(A)(4); *Thermatool Corp v Borzym,* 227 Mich App 366; 575 NW2d 334 (1998). There was no evidence addressing the harm to defendant and to the public if the injunction issued. Plaintiff failed to make a showing that defendant's actions would result in harm that would be irreparable.

The motion for stay is DENIED as moot.

This order is given immediate effect pursuant to MCR 7.215(F)(2).

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY - 6 2010
Date

Sandra Schultz Mengel
Chief Clerk