Court of Appeals, State of Michigan

ORDER

Re: **DAVID H AHONEN & RUTH C AHONEN TRUST V JULIE THOMSEN**

Docket No. **380482; 380896**

LC No. **2024-000809-CZ**

Kathleen A. Feeney, Judge, acting under MCR 2.003(D)(3), orders:

Appellant Pamela Ruth Howe's Motions for Disqualification of Chief Judge Michael F. Gadola are hereby DENIED.

These cases were assigned randomly to the Court by the Supreme Court Administrative Office for de novo review of appellant's motions to disqualify Chief Judge Gadola. Appellant alleges that Chief Judge Gadola entered an order declaring that she was a vexatious litigator after dismissing Docket No. 380482 for lack of jurisdiction and engaged in ex parte communications with appellees.

Under MCR 7.216(C), this Court may, "on its own initiative or on the motion of any party filed under MCR 7.211(C)(8), assess actual and punitive damages or take other disciplinary action when it determines that an appeal or any of the proceedings in an appeal was vexatious." This Court has the authority to deem an appeal vexatious because: "(a) the appeal was taken for purposes of hindrance or delay or without any reasonable basis for belief that there was a meritorious issue to be determined on appeal; or (b) a pleading, motion, argument, brief, document, or record filed in the case or any testimony presented in the case was grossly lacking in the requirements of propriety, violated court rules, or grossly disregarded the requirements of a fair presentation of the issues to the court." MCR 7.216(C)(1). Also, if "a party habitually, persistently, and without reasonable cause engages in vexatious conduct under subrule (C)(1)," this Court "may, on its own initiative or on motion of another party, find the party to be a vexatious litigator and impose filing restrictions on the party." MCR 7.216(C)(3).

Notably, under MCR 7.211(C)(8), "[a] party may file a motion for damages or other disciplinary action under MCR 7.216(C) at any time within 21 days after the date of the order or opinion that disposes of the matter that is asserted to have been vexatious." (Emphasis added.) This Court dismissed the claim of appeal in Docket No. 380482 for lack of jurisdiction on May 11, 2026. Appellee's motion to declare appellant a vexatious litigator was timely filed on June 1, 2026, within 21 days after entry of that order. Accordingly, this Court's June 15, 2026 Order deeming appellant Howe a vexatious litigator was appropriate because MCR 7.211(C)(8) anticipates that such orders may be entered after an order disposing of the vexatious litigator's cause of action.

Moreover, the May 11, 2026 order of dismissal in docket No. 380482 was clearly dated and filed as an appendix to appellee's answer to the application for leave in Docket No. 380896. Appellant references the date of June 16, 2026; that date is in green ink on the right margin of the page, which

indicates the date that appellees filed those documents with the Court of Appeals, not the date it was signed. Accordingly, appellant sets forth no basis for disqualification or further relief.

Kathleen A. Feeney

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

July 27, 2026
Date

Jerome W. Zimmer Jr.
Chief Clerk