Court of Appeals, State of Michigan

ORDER

IN RE OLSON ESTATE

Docket No. 380551

LC No. 2025-254981-DE

Michael J. Riordan
Presiding Judge

Michael F. Gadola

Thomas C. Cameron
Judges

The motion for immediate consideration is GRANTED.

The motion for stay pending appeal is DENIED.

In lieu of granting the delayed application for leave to appeal, the motion for peremptory reversal under MCR 7.211(C)(4) is GRANTED. The trial court abused its discretion by changing venue on the basis of convenience when Michael Olson failed, as the moving party, to make a "persuasive showing" of inconvenience. See *Dairyland Ins Co v Mews*, 347 Mich App 568, 591; 16 NW3d 529 (2023). Olson made conclusory claims of inconvenience without specifically identifying any witnesses, parties, or evidence that would make trial in St. Clair more convenient. See *id*. at 591-592. While the trial court identified interested parties in St. Clair County, the travel involved between adjacent counties does not amount to a persuasive showing of inconvenience. See *id*. at 591; *Chilingirian v Fraser*, 182 Mich App 163, 165; 451 NW2d 541 (1989). Further, while there were related guardianship proceedings in St. Clair, the mere existence of these related proceedings in another county does not warrant a change of venue. See *Dairyland*, 347 Mich App at 592. Olson made no showing that dual-track litigation will occur involving burdensome duplication of discovery or motion practice that will inconvenience the parties, witnesses, or attorneys. See *id*. Affording deference to the initial choice of venue in Macomb County, and absent a persuasive showing of inconvenience, the trial court abused its discretion by granting Olson's petition to change venue. See *id*. at 591-592. The order transferring the case to St. Clair County Probate Court is, therefore, REVERSED and the case is REMANDED to the Macomb County Probate Court for further proceedings.

Presiding Judge

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

May 29, 2026
Date

Chief Clerk