Court of Appeals, State of Michigan

ORDER

DAWSON FAMILY LAW PLLC V MARK M WALSH

Docket No. 376610

LC No. 2025-000491-AV

Christopher M. Murray
Presiding Judge

James Robert Redford

Kathleen A. Feeney
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the delayed application for leave to appeal, the Court VACATES the circuit court's July 8, 2025 order, VACATES the district court's December 23, 2024 order of dismissal, and REMANDS to the district court for further proceedings consistent with this order. The district court did not err by denying plaintiff's motion for summary disposition. However, following the bench trial, the district court erred by entering an order for "no cause of action" without making any findings of facts or conclusions of law. See MCR 2.517(A)(1) and (2). In its role as an appellate court reviewing the district court's decision, the circuit court erred by making independent findings in the first instance and affirming the district court on the basis of findings that the district court did not make. See *In re Martin*, 200 Mich App 703, 717; 504 NW2d 917 (1993). Absent adequate findings by the district court, a remand to the district court is warranted because the record is insufficient for appellate review. See *Triple E Produce Corp v Mastronardi Produce, Ltd*, 209 Mich App 165, 176-177; 530 NW2d 772 (1995). On remand, the district court shall make pertinent findings of fact and conclusions of law based on the existing trial record with regard to plaintiff's claims for account stated, breach of contract, and unjust enrichment as well as plaintiff's request for attorney fees and costs.

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

We do not retain jurisdiction.

Christopher Murray

Presiding Judge

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

March 26, 2026
Date

Jerome W. Zimmer Jr.
Chief Clerk