# Court of Appeals, State of Michigan

## ORDER

KHALED ZAKHARIA V MICHIGAN MONTESSORI INTERNATIONALE INC

Docket No. 369047; 372364

LC No. 2023-000013-CK; 2023-000863-CZ

Brock A. Swartzle
Presiding Judge

Matthew S. Ackerman

Christopher M. Trebilcock
Judges

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The motion for leave to exceed the word limit is GRANTED.

The motion for reconsideration is DENIED.

Presiding Judge

Ackerman, J. (*concurring in part and dissenting in part*): There is a Yiddish phrase, *genug iz genug*, meaning "enough is enough." That sentiment applies here.

The introduction to our opinion should have made clear that additional words are unwarranted:

> "When a party comes to us with nine grounds for reversing the [trial] court, that usually means there are none." *Fifth Third Mtg Co v Chicago Title Ins Co*, 692 F3d 507, 509 (CA 6, 2012). In over 160 pages of briefing, plaintiffs Khaled and Maral Zakharia offer nearly twice that. In this dispute with the private school that expelled their children because of Khaled's conduct, we affirm the trial court's grant of summary disposition to defendants but reverse its award of sanctions.

Despite that framing, plaintiffs now seek leave to file a motion nearly three times the applicable word limit. Very little of it is necessary; indeed, granting the motion is arguably counterproductive to plaintiffs' own interests.

Consider first the lack of necessity. By way of example, plaintiffs devote 230 words to disputing whether a witness meant that Khaled was observing "the children" generally or merely his own child on the playground during recess. That is not the kind of distinction that justifies an exception to our rules.

Granting the motion also arguably hurts plaintiffs. They waste precious space objecting to a remark in our opinion that they filed their amended complaint on October 31 when it was stamped received by the trial court on October 26. Such picayune distinctions, of course, do not satisfy the standard in MCR 2.119(F)(3) (incorporated into our Court's practice by MCR 7.215(I)(1)) of a "palpable error by which the court and the parties have been misled." Moreover, granting the motion facilitates plaintiffs' accusation that we "merely copied Appellees' argument"—an accusation they would have been better off being prevented from making, particularly given that the electronic record filed with us by the trial court does, in fact, date the document October 31.

The irony is that in some ways I sympathize with plaintiffs' position. Many reasonable people were upset about masking during COVID, and disputes continue about the developmental consequences (both cognitive and social) it had on children. I also have little doubt that many reasonable people would find defendants' approach to conflict resolution among students irksome. Plaintiffs' frustrations are not entirely illegitimate.

But rather than vote with their feet and take their business to another school, plaintiffs knowingly defied clear directives from defendants because, in the words of Khaled's deposition testimony, compliance "would have been too humiliating to do, and I chose not to do it." Eventually defendants reached the end of what they would tolerate. Plaintiffs' meritless claims have now been carefully scrutinized by the courts and rejected. Unable to accept that outcome, they seek still more space to air trifling objections to our effort at processing what I calculate to be 173 pages of briefing and 1,021 pages of appendices *previously* filed with this Court.

*Genug iz genug*.

I would deny leave to file a motion in excess of the word limit. Because the majority has accepted the fiing, however, I concur in the denial of the motion for reconsideration.