

STATE OF MICHIGAN
COURT OF APPEALS

STEVEN SCHNEIDER and JULIE ANN
SCHNEIDER,

UNPUBLISHED
May 26, 2022

Plaintiffs-Appellants,

v

No. 357380
Oakland Circuit Court
LC No. 2018-164868-CH

CITY OF ORCHARD LAKE VILLAGE and
GERRY MCCALLUM,

Defendants,

and

BARTON RACHWAL and ANDREA RACHWAL,

Defendants-Appellees.

Before: BORRELLO, P.J., and SHAPIRO and HOOD, JJ.

SHAPIRO, J. (*concurring*).

I am not convinced that *Pransky v Falcon Group, Inc*, 311 Mich App 164; 874 NW2d 367 (2015), is wholly controlling as to consent judgments. However, the record in this case indicates that defendants failed to take any action whatsoever to notify plaintiffs that attorney fees were at issue. In addition to not filing a counterclaim, defendants did not file an answer or affirmative defenses and its motion under MCR 2.116(C)(8) made no reference to a request for attorney fees. Accordingly, I concur.

/s/ Douglas B. Shapiro