Court of Appeals, State of Michigan

ORDER

TIMOTHY LASHBROOK v ESTATE OF ILA GRASAK, deceased by Co-Personal Representative JOEL GRASAK AND TIMOTHY GRASAK,

Docket No. 376006

LC No. 2025-000319-NI

Kristina Robinson Garrett
Presiding Judge

Anica Letica

Christopher M. Trebilcock
Judges

In this motor-vehicle negligence case, plaintiff appeals from the trial court's award of summary disposition in defendant's favor. His attorneys, Matthew F. Eurich and Andrew Nurmi, both of Mindell Law, appeared on plaintiff's behalf and filed an appellant brief on October 15, 2025—both are on the caption and Eurich signed it. An attorney has an "independent duty to verify the legal authorities submitted to the courts." *Barber v Morawa*, ___ Mich App ___, ___; ___ NW3d (2026) (Docket No. 374773); slip op at 6. See also MCR 1.109(E)(5). Having reviewed that brief, the Court requires additional information to examine whether plaintiff's brief on appeal satisfies this mandate given at least three instances of citations to unsupported legal authority:

- On Page 9, the appellant brief quotes the following underlined language that does not appear in the cited case: "Michigan courts have long construed this language to mean that "the limitations period is suspended while a prior suit involving the same parties and cause of action is pending." *Darin v Haven,* 175 Mich App 144, 151-52; 437 NW2d 349 (1989)."

- On page 10, the appellant brief quotes the following underlined language that does not appear in the cited case: "Indeed, this Court's reasoning in *Darin* is instructive: "[T]he term 'pending' should be construed to include appellate litigation, as the prior action cannot be considered final until appellate remedies are exhausted." " (Citing *Darin*, 175 Mich App at 151-152).

- On page 13, the appellant brief cites *Cobb v Mid-Continent Tel Serv Corp*, 90 Mich App 349, 353; 282 NW2d 317 (1979) and *Kalakay v Farmers Ins Group,* 120 Mich App 623, 627; 327 NW2d 554 (1982), for this unsupported proposition: "This Court and others have recognized that equitable tolling is warranted where (1) the plaintiff exercised due diligence in pursuing the claim, (2) the delay was caused by circumstances beyond the plaintiffs control, and (3) the defendant was not prejudiced by the delay."

On the Court's own motion, we direct Eurich and Nurmi, individually, to SHOW CAUSE in writing by no later than Friday, November 6 and: (1) detail the steps they took to verify the legal authorities cited in the appellant brief, including but not exclusive of the three examples set forth above; (2) explain whether they agree with our conclusion that the three examples above are unsupported legal authorities, and if not, why not; and (3) identify whether they used any artificial intelligence platforms to draft the appellant brief. If Eurich and Nurmi fail to show cause as required by this order or the Court deems their writing

insufficient to explain why they submitted unsupported legal authorities to this Court, the Court may take any and all appropriate measures.

Presiding Judge

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

October 28, 2026

Date

Chief Clerk