

Court of Appeals, State of Michigan

ORDER

Peter J Hammer v Board of Regents of the University of Michigan

Docket No. 272801

LC No. 04-000241-MK

Helene N. White
Presiding Judge

Michael J. Talbot

Christopher M. Murray
Judges

The Court orders that the "Motion to Vacate the Order Granting Leave to Appeal" is GRANTED. The Court VACATES the October 13, 2006, order granting leave to appeal.

The Court further orders, pursuant to MCR 7.205(D)(2), that the April 5, 2006, and August 14, 2006, orders of the Court of Claims hereby are VACATED. In light of the Court of Claim's acknowledgment at the hearing on July 27, 2006, that portions of plaintiff's lengthy affidavits were inadmissible, the court is directed to reconsider defendant's motion to strike. The court shall consider plaintiff's affidavits only to the extent that their content is admissible as evidence, MCR 2.116(G)(6), and shall consider only those portions that were made on personal knowledge, MCR 2.119(B). Opinions and hearsay do not satisfy the court rules. *SSC Associates Ltd Partnership v Gen Retirement System of Detroit*, 192 Mich App 360, 364; 480 NW2d 275 (1991). The court thus must strike the inadmissible portions of the affidavits and clearly delineate which portions do not conform. After striking portions that are irrelevant and inadmissible, the court is to permit defendant to file a new motion for summary disposition. The case is REMANDED for further proceedings consistent with this order.

On the Court's own motion, the claim of cross-appeal is DISMISSED.

This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.



Presiding Judge



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 25 2007

Date



Chief Clerk