

Appellate

Battles fought at trial can yield important verdicts and judgments, but many times the real victory is won on appeal.

Our attorneys are accomplished appellate strategists whose command of rules and procedures secures significant outcomes in both state and federal appellate courts.

We defend and prosecute appeals in cases we've worked on since their inception, and also take on appeals in matters previously handled by other firms at the trial court level. Our ability to think creatively and write persuasively has resulted in numerous successes at the appellate level, including multiple cases where our advocacy has altered or extended prior precedent.

Our full-service appellate practice includes:

- Interlocutory appeals and appeals of right
- Motion practice in the appellate courts
- Assistance with post-trial motions and appellate planning
- Securing extraordinary writs and seeking mandamus
- Amicus curiae representation

Nowell v Titan Insurance Company, 466 Mich 478 (2002)

We successfully obtained a Michigan Supreme Court reversal of Court of Appeals and trial court rulings against our client in a case involving the standards for insurance policy cancellation. The Supreme Court overturned a prior appellate interpretation of the applicable statute on the basis that, under the plain language of the statute, actual notice of cancellation was not required so long as the cancellation notice was mailed in a manner that was reasonably calculated to reach the insured in a timely fashion.

Hamed v Wayne County, 490 Mich 1 (2011)

Overturning its own prior precedent, the Michigan Supreme Court reversed a Court of Appeals decision and ruled that employers, including public-service providers like our client, are not vicariously liable for quid pro quo sexual harassment on the basis of the unforeseeable criminal acts of their employees.

Atkins v Suburban Mobility Authority for Regional Transportation, 492 Mich 707 (2012)

The Michigan Supreme Court overturned a Court of Appeals decision against our client, ruling that the 60-day notice provision of the Metropolitan Transportation Authorities Act controlled with regard to ordinary personal injury and property damage claims, such as third-party automobile injury claims. The Court also ruled that the notice requirement was not met by the plaintiff's filing of a first-party no-fault (PIP) claim against the defendant arising from her injury as a bus passenger in a bus-automobile collision.

Knight Enterprises v RPF Oil Company, 299 Mich App 275 (2013)

The Michigan Court of Appeals, overturning a lower court bench trial verdict, ruled that the evidence was not sufficient to allow a finding that our client, a supplier of petroleum products, had committed misconduct as necessary to prove it had tortiously interfered with the supply contracts between the plaintiff and a third-party gas station owner.