

STATE OF MICHIGAN  
IN THE 17th CIRCUIT COURT FOR KENT COUNTY

ENTERPRISE IRON AND METAL, INC.;  
and JASON EMANOUIL,

Plaintiffs/Counter-Defendants,

Case No. 17-09814-CBB

vs.

HON. CHRISTOPHER P. YATES

GRAND RAPIDS AUTO SALES LLC; and  
JIMMIE FREEMAN,

Defendants/Counter-Plaintiffs/  
and Third-Party Plaintiffs,

vs.

MIRANDA LYNN EMANOUIL; JOSH  
EMANOUIL; and 850 PANNELL STREET  
LLC,

Third-Party Defendants.

ORDER DENYING DEFENDANTS' MOTION TO HOLD  
PLAINTIFF JASON EMANOUIL IN CONTEMPT OF COURT

The defendants have moved for an order to show cause that requires Plaintiff Jason Emanouil to face contempt sanctions for failing to comply with a court order concerning discovery. But “[t]he power to hold a party, attorney, or other person in contempt is the ultimate sanction the trial court has within its arsenal, allowing it to punish past transgressions, compel future adherence to the rules of engagement, i.e., the court rules and court orders, or compensate the complainant.” See *In re Contempt of Auto Club Ins Ass’n*, 243 Mich App 697, 708 (2000). Therefore, contempt is a power of last resort that should be used only in extreme situations. See *id.* Because the discovery dispute in this case does not rise to that level, the Court shall deny the defendants’ motion.

On December 7, 2018, the Court heard oral arguments on a discovery motion and issued an order granting the defendants' motion to compel the production of documents from Jason Emanouil. Pursuant to that order, Jason Emanouil was required to turn over responsive documents on or before January 4, 2019. The defendants, in moving for contempt sanctions, contend that Jason Emanouil failed to meet that deadline. Such a transgression in the discovery process is subject to a sanction under MCR 2.313(B)(2), which affords the trial court substantial latitude in fashioning a remedy that addresses the transgression at issue. To be sure, contempt is one permissible sanction identified by MCR 2.313(B)(2)(d), but the Court ought not employ its contempt power to address garden-variety discovery violations when some other sanction can yield a just response to the transgression. Here, the discovery violation apparently committed by Jason Emanouil can readily be addressed by some sanction other than contempt described in MCR 2.313(B)(2). Accordingly, the Court shall deny the "Defendants' Motion to Show Cause For Contempt for James Emanouil's Failure to Comply With This Court's December 7, 2018 Order."

IT IS SO ORDERED.

Dated: March 27, 2019



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HON. CHRISTOPHER P. YATES (P41017)  
Kent County Circuit Court Judge