

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

GLENN R. UNDERWOOD,

Plaintiff,

Case No: 2013-137535-CB

v.

Hon. Wendy Potts

PATRICIA SELENT,

Defendant.

OPINION AND ORDER RE: SUPPLEMENTAL BRIEFING ON DEFENDANT'S
MOTION FOR SUMMARY DISPOSITION

At a session of Court
Held in Pontiac, Michigan

JAN 09 2015

Defendant Patricia Selent moved for summary disposition of Plaintiff Glenn Underwood's claims. The Court granted the motions as to most of the claims because they were barred by res judicata. The Court granted summary disposition of Underwood's Count IX alleging defamation because the statements were privileged or made by a nonparty, but allowed Underwood to file an amended complaint to allege any nonprivileged defamatory statements Selent made on or after November 22, 2012. The Court also allowed Underwood to file a supplemental brief explaining why his Count X alleging unauthorized practice of law states a cognizable claim.

Review of that supplemental briefing shows no legal basis for the unauthorized practice of law claim. Underwood correctly cites the statute that prohibits a person from practicing law

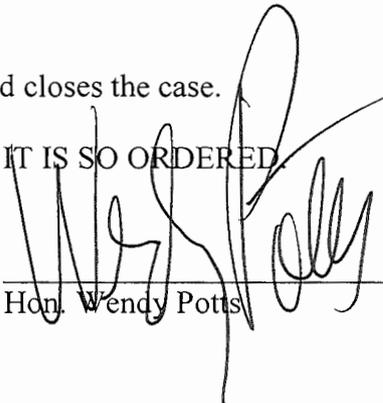
unless she is licensed and authorized to practice law in this state. MCL 600.916(1). However, nothing in that statute gives Underwood a right to bring a private cause of action for unauthorized practice of law. Because Underwood cites no authority for his claim, Selent is entitled to summary disposition of Count X.

As for Underwood's Count IX alleging defamation, Underwood failed to amend his pleading to allege any facts showing that Selent made unprivileged, defamatory statements on or after November 22, 2012. Thus, Selent is entitled to summary disposition of Count IX.

As for Underwood's Count XI alleging Selent violated the U.S. Bankruptcy Court's automatic stay, he fails to state a claim as a matter of law. Underwood has not cited any authority allowing him to bring a private cause of action for an alleged violation of a bankruptcy court stay. Even if there such an action, it is now moot given the Bankruptcy Court's December 10, 2014 order rejecting Underwood's attempt to reopen his bankruptcy case. Selent is entitled to summary disposition of Count XI.

For all of these reasons, the Court grants Selent's motion for summary disposition and dismisses Underwood claims with prejudice.

This order resolves the last pending claim and closes the case.

IT IS SO ORDERED.


Hon. Wendy Potts

Dated: JAN 09 2015