

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

THE REDFORD HOLDINGS CO, LLC,

Plaintiff,

v

Case No. 2013-134941-CK
Hon. Wendy Potts

ROBERT HOGANS, JR, et al,

Defendants.

OPINION AND ORDER RE: MOTION FOR JUDGMENT DAMAGES

At a session of Court
Held in Pontiac, Michigan

On

APR 18 2014

The matter is before the Court on Plaintiff The Redford Holdings Company, LLC's motion seeking a judgment against Defendant Robert Hogans, Jr. On January 22, 2014, the Court granted Redford Holdings summary disposition of Hogans and Defendant Prosperity Tax Service, LLC's liability for breaching their lease. The Court denied summary disposition as to damages based on a factual dispute, but allowed Redford Holdings to renew its motion after 30 days. On February 5, 2014, the Court granted Defendants' counsel's motion to withdraw after the case evaluation accept/reject period expired. The Court allowed Defendants fourteen days after the accept/reject expiration to obtain new counsel, however, no new counsel appeared for either party.

Redford Holdings filed a motion for judgment against Defendants. On April 2, 2014, the Court granted the motion against Prosperity because it was in default for failing to retain new counsel. The Court entered a judgment in favor of Redford Holdings and against Prosperity in

the amount of \$17,725.81. Because Hogans was not in default and the motion for judgment was not filed at least 21 days before the hearing date, MCR 2.116(G)(1)(a)(i), the Court allowed Hogans to respond to the motion by April 16, 2014. The Court stated that if Hogans did not respond, it would decide the motion for judgment against him without a hearing. As of the date of this opinion, Hogans has not responded to the motion or otherwise contested the relief sought.

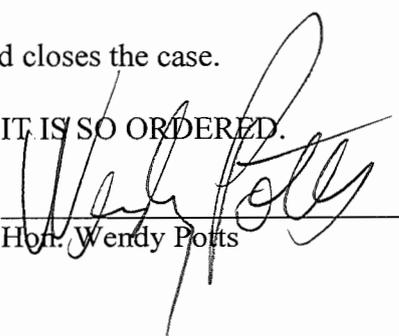
A motion for summary disposition under MCR 2.116(C)(10) tests the factual support for the claim. *Maiden v Rozwood*, 461 Mich 109, 119-120; 597 NW2d 817 (1999). The moving party must identify the issues that present no genuine issue of material fact. *Maiden, supra* at 120. The opposing party may not rest on mere allegations or denials in his pleadings, but must present admissible evidence showing a genuine issue of material fact. *Id* at 120-121. Where the evidence fails to establish a factual dispute for trial, the moving party is entitled to judgment as a matter of law. *Id* at 120.

Redford Holdings asserts that there is no question of fact that Hogans owes \$17,725.81 in unpaid rent, late fees, court costs, and attorney fees and presents an affidavit of its member Phillip Mansour supporting its claim. Redford Holdings also asserts that it mitigated its damages by renting the leased premises to a new tenant. Because Hogans presents no admissible evidence disputing Redford Holdings's damages claim, Redford Holdings is entitled to summary disposition. The Court grants the motion and enters judgment in favor of Redford Holdings and against Hogans in the amount of \$17,725.81.

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

Dated: APR 18 2014

IT IS SO ORDERED.



Hon. Wendy Potts