

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

GENERAL MOTORS, LLC,

Plaintiff,

v

Case No. 2014-143360-CB

Hon. Wendy Potts

SAM BALFORD,

Defendants.

OPINION AND ORDER RE: PLAINTIFF'S MOTION FOR SUMMARY DISPOSITION

At a session of Court
Held in Pontiac, Michigan

On

~~SEP 08 2015~~

Defendant Sam Balford is a retired former employee of Plaintiff General Motors, LLC. GM allowed its employees and retirees to purchase vehicles at a discount for themselves and certain family members. GM audited the program to ensure that employees complied with the program restrictions and did not purchase discounted vehicles to sell for profit. GM asked Balford to provide verification for seven discounts he obtained from October 2010 through February 2011, and when he did not respond, GM suspended Balford's vehicle discount privileges. In July 2012, GM's attorney wrote Balford demanding he repay the \$26,223.82 in discounts, however, Balford did not respond to the letter either. GM filed this action in October 2014 claiming fraud, conversion, and breach of contract. Balford did not timely answer the complaint, and GM entered a default, which the Court later set aside at Balford's request.

GM now moves for summary disposition of its claims under MCR 2.116(C)(10), which tests the factual support for the claims. *Maiden v Rozwood*, 461 Mich 109, 119-120; 597 NW2d

817 (1999). GM asserts that there is no question of fact Balford failed to verify that the discounts at issue were used by family members, and that GM is entitled to declare the purchases fraudulent and seek repayment. As support for its motion, GM notes that it served Balford with requests for admission in November 2014 and Balford did not answer them. Thus, the requests are deemed admitted. MCR 2.312(B)(1).

Balford filed a one-page response to this motion that is not entirely clear, but appears to be denying that GM has a claim against him. However, Balford cannot oppose a (C)(10) motion with mere allegations and must present affidavits or other admissible evidence showing a genuine issue of fact for trial. *Maiden, supra* at 120-121. Because Balford has admitted to violating GM's vehicle discount program and presents no evidence of a factual dispute, GM is entitled to summary disposition of its claims.

The Court grants the motion and enters judgment in GM's favor and against Balford in the amount of \$26,223.82 plus statutory interest and taxable costs.

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

IT IS SO ORDERED.

Hon. Wendy Potts

Dated:

SEP 08 2015