

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

**THE MEISNER LAW GROUP, PC,  
Plaintiff,**

v.

**Case No. 15-145674-CK  
Hon. James M. Alexander**

**CRYSTAL ELAINE WASHINGTON, ET AL,  
Defendants.**

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**OPINION AND ORDER RE: SUMMARY DISPOSITION  
AND FOR DEFAULT JUDGMENT**

This matter is before the Court on Plaintiff's motion for summary disposition against Defendant Crystal Washington (aka Crystal Ireland) and for default judgment against Defendant Quinton Washington, IV.

This is a collection case based on Defendants' alleged failure to pay the Plaintiff law firm's legal bills. According to its Complaint, on February 10 and 12, 2014, Defendants executed Fee Agreements retaining Plaintiff as legal counsel. Plaintiff claims that it performed legal services between February 10, 2014 through January 9, 2015 and it is owed \$37,637.22 as of February 19, 2015. Plaintiff now seeks a judgment for this amount, plus \$4,056.50 in attorney fees and \$467.28 in court costs for the present case, for a total of \$42,161.00.

To its end, Plaintiff now moves for summary disposition under MCR 2.116(C)(9) and (C)(10). MCR 2.116(C)(9) tests whether the defendant's defenses are so clearly untenable as a matter of law that no factual development could possibly deny plaintiff's right to recovery. *Lepp v Cheboygan Area Schools*, 190 Mich App 726 (1991). MCR 2.116(C)(10) tests the factual support for Plaintiff's claims. *Maiden v Rozwood*, 461 Mich 109, 120; 597 NW2d 817 (1999).

In support of its motion, Plaintiff attaches: (1) the Fee Agreements and Amendments; (2) the Affidavit of Plaintiff's Controller, Sharon Pitt; (3) Plaintiff's unanswered First Set of Interrogatories and Requests for Documents and to Admit; and (4) the Affidavit of the attorney handling the current collection matter, in support of Plaintiff's attorney fee request.

Under the Court's May 27, 2015 Order, Defendant Crystal Washington was required to file a response brief by July 1, 2015. Defendant, however, failed to file a response or present any evidence contradicting Plaintiff's claims.

The Michigan Court of Appeals has held that:

A party opposing a motion brought under C(10) may not rest upon the mere allegations or denials in that party's pleadings, but must by affidavit, deposition, admission, or other documentary evidence set forth specific facts showing that there is a genuine issue for trial. . . . [W]here the opposing party fails to come forward with evidence, beyond allegations or denials in the pleadings, to establish the existence of a material factual dispute, the motion is properly granted. *McCormic v Auto Club Ins Ass'n*, 202 Mich App 233, 237; 507 NW2d 741 (1993) (internal citations omitted).

Plaintiff also claims that Defendant Crystal Washington failed to answer its Request for Admissions and Interrogatories. As a result, Plaintiff claims that each request to admit has been deemed admitted under MCR 2.312. Therefore, Plaintiff argues that Ms. Washington admitted, in relevant part both liability on and the amount of the claimed debt.

For the foregoing reasons, the Court concludes that Defendant Crystal Washington failed to present any evidence contradicting Plaintiff's claims, and as a result fail to establish a question of fact regarding Plaintiff's entitlement to judgment as a matter of law. The Court, therefore, GRANTS Plaintiff's motion for summary disposition under (C)(10) and enters judgment against Defendant Crystal Washington, jointly and severally, in the amount of \$42,161.00.

Plaintiff also moves for entry of a default judgment against Defendant Quinton Washington,

IV, as he failed to answer the Complaint – despite being properly served April 26, 2015 – as noted on the Proof of Service filed with the Court. The Court’s Clerk entered Mr. Washington’s default on May 20, 2015, and Plaintiff now requests a default judgment in the amount of \$42,161.00.

The record shows that a Proof of Service for Plaintiff mailed a notice of hearing for the present motion to Mr. Washington on May 28, 2015. Mr. Washington has not responded, and as a result, the Court will GRANT Plaintiff’s motion and enter a default judgment against Defendant Quinton Washington, IV in the amount of \$42,161 (representing \$37,637.22 for legal fees, plus \$4,056.50 in attorney fees, and \$467.28 in court costs)

This Order is a Final Order the resolves the last pending claim and closes the case.

**IT IS SO ORDERED.**

July 22, 2015  
Date

/s/ James M. Alexander  
Hon. James M. Alexander, Circuit Court Judge