

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

INTERNATIONAL UNIONS,  
SECURITY POLICE AND FIRE PROFESSIONALS  
OF AMERICA (SPFPA), and  
DAVID L. HICKEY,  
Plaintiffs,

Case No. 2023-203923-CB

Hon. Victoria A. Valentine

v.

STEVE MARITAS,  
CHARLES STREBECK,  
BRIKENER JEAN-GILES,  
LAW ENFORCEMENT OFFICERS SECURITY UNION,  
LAW ENFORCEMENT OFFICERS SECURITY &  
POLICE BENEVOLENT ASSOCIATION,  
UNITED FEDERAL LEOS-PBA,  
Defendants.

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OPINION AND ORDER REGARDING DEFENDANTS'  
MOTION FOR SUMMARY DISPOSITION UNDER MCR 2.116(C)(1)

At a session of said Court held on  
the 29th day of January 2025  
in the County of Oakland, State of Michigan  
PRESENT: HON. VICTORIA A. VALENTINE

This matter is before the Court on Defendants' Motion for Summary Disposition under MCR 2.116(C)(1). This Court has reviewed the pleadings as well as the motion, response, and reply brief. Oral argument was held on the motion.

*FACTUAL OVERVIEW*

Plaintiff, International Unions, Security Police and Fire Professionals of America ("SPFPA"), represents security, police, and fire professionals across the United States and Canada (Complaint, ¶¶ 1-2), and Plaintiff Hickey is its President. Defendant Maritas co-

founded SPFPA and was terminated on February 7, 2013 (Complaint, ¶ 16). Upon his termination, Defendant Maritas formed the Defendant unions and Defendant Strebeck and Defendant Jean-Giles serve as officers of those unions (Complaint, ¶¶ 3-5, 9).

Defendant Maritas is a New York Resident (Complaint, ¶ 3). Defendant Strebeck is a New York resident (Complaint, ¶ 4). Defendant Jean-Giles is a New York resident (Complaint ¶ 5). Defendants Law Enforcement Officers Security Union, Law Enforcement Officers Security & Police Benevolent Association and United Federation LEOS-PBA (“Defendant Unions”) are both unincorporated unions organized in New York (Complaint, ¶¶ 6-8).

Plaintiffs allege that “Defendants’ use of the leospba.org website, among many others, constitutes conducting and/or transacting business within Oakland County, Michigan for purposes of personal jurisdiction” (Complaint, ¶ 12). Defendants also allege that such website activities also establish minimum contacts with Oakland County, Michigan “such that the maintenance of this suit does not offend traditional notions of fair play and substantial justice” (Complaint, ¶ 12). Finally, Plaintiffs allege personal jurisdiction under MCL 600.705, known as Michigan’s long-arm statute.

Plaintiff’s allegations arise out of Defendants’ “numerous scurrilous, untrue, misleading, and defamatory statements against SPFPA and Hickey” (Complaint, ¶¶ 18, 24). These statements were allegedly published on publications through multiple internet websites that Defendants operate and control, as well as sent via email to various SPFPA employees and union members (Complaint, ¶¶ 19, 20).

Plaintiffs allege interference with contracts in Berkshire Farms Center & Services for Youth in Albany, New York; Paragon Systems, Inc. officers in Georgia, and Control Force in Colorado. Plaintiffs allege economic injury, loss of goodwill, harm to their business

reputation, loss of esteem and standing in the community, and loss of business opportunities (Complaint, ¶39).

Defendant Maritas submitted an Affidavit indicating that he is a resident of Pennsylvania, owns no property in Michigan, and visits Michigan occasionally to visit family (Exhibit B to Motion). Defendant Maritas's Affidavit also indicates that the Defendant Unions have no employees in Michigan, has no members in Michigan, have not conducted an election in Michigan, and receives no dues or revenue from Michigan. *Id.* Defendant Strebeck submitted an Affidavit indicating that he is a resident of New Jersey, has never resided in Michigan and has no property or contacts in Michigan (Exhibit C to Motion). Finally, Defendant Jean-Giles submitted an Affidavit indicating that he is a resident of New York, has never been to Michigan, owns no property in Michigan, and has no contacts in Michigan (Exhibit D to Motion).

#### *STANDARD OF REVIEW*

Summary disposition may be granted where “[t]he court lacks jurisdiction over the person or property.” MCR 2.116(C)(1). A motion for summary disposition based on the lack of personal jurisdiction is resolved based on the pleadings and the evidence, including affidavits. *Lease Acceptance Corp v Adams*, 272 Mich App 209, 218 (2006). “The plaintiff bears the burden of establishing [personal] jurisdiction over the defendant[.]” *Yoost v Caspari*, 295 Mich App 209, 221 (2012) (citations and quotation marks omitted); *Lease Acceptance Corp*, 272 Mich App at 218. To succeed against a pretrial motion to dismiss for lack of personal jurisdiction, a plaintiff need only make a *prima facie* showing. *Yoost v Caspari*, 295 Mich App at 221. “The plaintiff’s complaint must be accepted as true unless specifically contradicted by affidavits or other evidence submitted by the parties.” *Id.* “[W]hen allegations in the pleadings are contradicted by documentary evidence,

the plaintiff . . . must produce admissible evidence of his or her *prima facie* case establishing jurisdiction.” *Id.* (emphasis added).

## *ANALYSIS*

At issue is whether under Michigan’s long arm statute, this Court has limited personal jurisdiction over each of the Defendants, none of whom are Michigan residents. Limited personal jurisdiction “involves a two-fold inquiry: (1) does defendant’s acts fall within the applicable long-arm statute, and (2) does the exercise of jurisdiction over defendant comport with the requirements of due process.” *W. H Froh, Inc v Domanski*, 252 Mich App 220, 226 (2002). “Both prongs of this analysis must be satisfied for a Michigan court to properly exercise limited personal jurisdiction over a nonresident.” *Yoost v Caspari*, 295 Mich App at 222. In its analysis, the Court must keep in mind that Plaintiffs “bear[] the burden of establishing jurisdiction over” Defendants, but Plaintiffs “need only make a *prima facie* showing of jurisdiction to defeat a motion for summary disposition.” *WH Froh*, 252 Mich App at 226.

### *1<sup>st</sup> Prong- Long Arm Statute*

Under inquiry one, Michigan’s long arm statute over corporations provides as follows:

The existence of any of the following relationships between a corporation or its agent and the state shall constitute a sufficient basis of jurisdiction to enable the courts of record of this state to exercise limited personal jurisdiction over such corporation and to enable such courts to render personal judgments against such corporation arising out of the act or acts which create any of the following relationships:

- (1) The transaction of any business within the state.
- (2) The doing or causing any act to be done, or consequences to occur, in the state resulting in an action for tort.
- (3) The ownership, use, or possession of any real or tangible personal property situated within the state.
- (4) Contracting to insure any person, property, or risk located within this state at the time of contracting. MCL 600.715.

(5) Entering into a contract for services to be performed or for materials to be furnished in the state by the defendant.

MCL 600.715.

Plaintiffs allege sections (1) and (2) are applicable to this matter and confer jurisdiction.

#### *Transacting Business*

Plaintiffs argue that Defendants transact business in this state by appearing in lawsuits and by publishing articles or statements on a blog that is later sent around via email.

In *Oberlies v Searchmont Resort, Inc*, 246 Mich App 424, 430 (2001), the Court of Appeals found that under the purview of section one, “[t]he phrase ‘transaction of any business’ is not defined in the statute. Therefore, it is proper to rely on dictionary definitions in determining the meaning of that provision. ‘Transact’ is defined as ‘to carry on or conduct (business, negotiations, etc.) to a conclusion or settlement.’ *Random House Webster’s College Dictionary* (1997). ‘Business’ is defined as “an occupation, profession, or trade … the purchase and sale of goods in an attempt to make a profit.” *Id.*” (internal citations omitted).

The court in *Oberlies* has given that phrase ‘transaction of any business’ a broad interpretation, stating “that use of the word ‘any’ to define the amount of business that must be transacted establishes that even the slightest transaction is sufficient to bring a corporation within Michigan’s long-arm jurisdiction citing *Sifers v Horen*, 385 Mich. 195, 199, n. 2 (1971) (stating that M.C.L. § 600.715(1) refers to “each” and “every” business transaction and contemplates even “the slightest” act of business in Michigan), and *Viches v MLT, Inc.*, 127 F Supp2d 828, 830 (ED Mich, 2000) (Judge Paul Gadola stating: “The standard for deciding whether a party has transacted any business under § 600.715[1] is extraordinarily easy to meet. ‘The only real limitation placed on this [long arm] statute is the due process clause.’” [citation omitted]). *Oberlies*, 246 Mich App at 430. The court in *Oberlies* concluded that a “nonresident corporation’s advertising by

itself can constitute the ‘transaction of any business’” required under the statute. *Id.* at 431.

Plaintiffs allege that Defendants’ website advertises itself to residents of Michigan. Defendants provided no evidence to rebut that allegation, so Plaintiffs have met their *prima facie* burden that the Defendants’ website transacts business in Michigan.

#### *Causing Consequences to Occur in Michigan*

Plaintiffs allege in their Response that the defamatory statements were made with the intent to harm individuals and businesses in Michigan, and because they target Michigan individuals and entities, they satisfy section 2 of the long-arm statute.

Plaintiffs rely upon *Calder v Jones*, 465 U.S. 783 (1984) to support their argument. However, the articles written in the *Calder* matter were about individuals who lived and worked exclusively in California. The allegations were focused exclusively on California. Here, Plaintiffs and Defendants are national unions who compete for business in states other than Michigan. It is not alleged that the parties compete for business in Michigan. Paragraph 39 of the Complaint specifically identifies the locations where Plaintiffs allege Defendants have intentionally and improperly interfered with contracts and business relationships. Michigan is not among the locations.

Plaintiffs focus their argument on their own location in Michigan, arguing that Defendants must have intended consequences in Michigan, because that is where Plaintiffs are located. However, as noted above, the parties do not compete for business in Michigan. If Defendants’ intention, as Plaintiffs allege, is to gain business advantage, they are attempting to cause consequences in those states in which they compete. Plaintiffs recognize this in paragraph 39 of the Complaint. Plaintiffs’ own allegations, that Defendants are publishing the statements to win union members, defeats their argument that consequences are intended in Michigan.

There is no jurisdiction based upon section 2 of the long-arm statute.

#### *2<sup>nd</sup> Prong-Due Process*

“The Due Process Clause of the Fourteenth Amendment ‘does not contemplate that a state may make a binding judgment in personam against an individual or a corporate defendant with which the state has no contacts, ties, or relations.’” *Witbeck v Bill Cody’s Ranch Inn*, 428 Mich 659, 666 (1987). Due process restricts permissible long-arm jurisdiction by defining the quality of contacts necessary to justify personal jurisdiction under the constitution. *Yoost v Caspari*, 295 Mich App at 222-223. “The Due Process Clause requires that the exercise of personal jurisdiction comport with ‘traditional notions of fair play and substantial justice.’” *Oberlies*, 246 Mich App at 432-433, quoting *Int’l Shoe Co v Wash Office of Unemployment Compensation & Placement*, 326 US 310, 316; 66 S Ct 154; 90 L Ed 95 (1945). “The constitutional touchstone of a due process analysis with respect to personal jurisdiction is whether the defendant purposely established the minimum contacts with the forum state necessary to make the exercise of jurisdiction over the defendant fair and reasonable.” *Oberlies*, 246 Mich App at 433 (quotation marks omitted). A three-part test is used to determine whether the exercise of limited personal jurisdiction comports with due process:

First, the defendant must have purposefully availed itself of the privilege of conducting activities in Michigan, thus invoking the benefits and protections of this state’s laws. Second, the cause of action must arise from the defendant’s activities in the state. Third, the defendant’s activities must be substantially connected with Michigan to make the exercise of jurisdiction over the defendant reasonable.

*Starbrite Distributing, Inc v Excelda Manufacturing Co*, 454 Mich 302, 309 (1997).

The “‘purposeful availment’ requirement ensures that a defendant will not be haled into a jurisdiction solely as a result of ‘random,’ ‘fortuitous,’ or ‘attenuated’ contacts or of the unilateral activity of another party or a third person[.]” *Burger King Corp v Rudzewicz*, 471 US 462, 475

(1985)(citations omitted). To have purposely availed itself of Michigan law, the defendant must “deliberately engage in significant activities within a state, or create continuing obligations between himself and residents of the forum to the extent that it is presumptively not unreasonable to require him to submit to the burdens of litigation in that forum as well.” *Vargas v Hong Jin Crown Corp*, 247 Mich App 278, 285 (2001) (quotation marks omitted). There must be a degree of foreseeability to a defendant that his “conduct and connection with the forum State are such that he should reasonably anticipate being haled into court there.” *World-Wide Volkswagen Corp v Woodson*, 444 US 286, 297 (1980). The Due Process Clause also “gives a degree of predictability to the legal system that allows potential defendants to structure their primary conduct with some minimum assurance as to where that conduct will and will not render them liable to suit.” *Id.* However, “the constitutional touchstone remains whether the defendant purposefully established ‘minimum contacts’ in the forum.” *Rudzewicz*, 471 US at 474.

However, even where a defendant purposefully avails itself of the forum jurisdiction, the connection between the plaintiff's cause of action and the defendant's contacts with the state must not be “so attenuated that it is unreasonable to exercise jurisdiction over [the] defendant in this case.” *Oberlies*, 246 Mich App at 435. Thus, “for limited personal jurisdiction to attach, the cause of action must arise from the circumstances creating the jurisdictional relationship between the defendant and the foreign state.” *Id.* (quotation cleaned up). In other words, the defendant's activities in Michigan must, “in a natural and continuous sequence, have caused the alleged injuries forming the basis of the plaintiff's cause of action.” *Id.* at 437.

“[T]he plaintiff cannot be the only link between the defendant and the forum. Rather, it is the defendant's conduct that must form the necessary connection with the forum State that is the basis for its jurisdiction over him.” *Walden v Fiore*, 571 US 277, 285-286; 134 S Ct 1115 (2014).

"The defendant must deliberately engage in significant activities within a state, or 'create continuing obligations between himself and residents of the forum' to the extent that 'it is presumptively not unreasonable to require him to submit to the burdens of litigation in that forum as well.'" *Vargas v Hong Jin Crown Corp*, 247 Mich App 278 (2001) quoting *Burger King Corp v Rudzewicz*, 471 US 462, 476 (1985). "'Minimum contacts' analysis looks to the defendant's contacts with the forum State itself, not the defendant's contacts with persons who reside there." *Walden*, 571 US at 285.

Defendant's lack of purposeful availment is fatal to the Court's exercise of personal jurisdiction. *King v Ridenour*, 749 F Supp 2d 648, 657 (ED Mich, 2010); see *LAK Inc v Deer Creek Enters*, 885 F2d 1293, 1303 (6<sup>th</sup> Cir 1989) (noting where "purposeful availment" test is unmet, it is unnecessary to address other two minimum contacts factors as each "is an independent requirement, and failure to meet any one of the three means that personal jurisdiction may not be invoked.").

With these principles in mind, the Court must consider each of the above factors, which are essential to the analysis of due-process concerns.

With regard to the first factor, the Court finds that none of the Defendants have purposefully availed themselves of the privilege of transacting business in Michigan. Although they advertise to Michigan residents on their website, Defendants' Affidavits illustrate that they do not conduct any business in Michigan and have no Michigan customers.

As noted above, to have purposely availed themselves of Michigan law Defendants must have deliberately engaged in significant business activities within a state. *Vargas*, 247 Mich App at 285. None of the Defendants have engaged in significant business activities within the state. Although Defendant Maritas occasionally visits Michigan to see family, he does not have

property in Michigan and does not conduct business in Michigan. None of the other Defendants have any connection to Michigan at all. The Defendant Unions do not conduct business in Michigan. As noted above, the alleged consequences would be felt outside of Michigan.

Defendants will have been found to have purposefully availed themselves if they have created continuing obligations between themselves and Michigan residents. *Vargas*, 247 Mich App at 285. But Defendants do not have obligations to Plaintiff or any other Michigan residents. Plaintiff is Defendants' competitors, not customers or employees, and the competition occurs in states other than Michigan.

Because there is no purposeful availment, there is no need to analyze the additional requirements for due process.

### **ORDER**

Based on the allegations in the Complaint and the preceding Opinion, the Court finds that Plaintiffs have not met their burden of establishing "a *prima facie* showing of jurisdiction to defeat a motion for summary disposition" under MCR 2.116(C)(1). See *WH Froh*, 252 Mich App at 226.

IT IS HEREBY ORDERED that Defendant's Motion for Summary Disposition is GRANTED under MCR 2.116(C)(1).

IT IS SO ORDERED.

This Order resolves the last pending matter and closes the case.



Date: 1/29/25

HON. VICTORIA A. VALENTINE  
BUSINESS COURT JUDGE