

**STATE OF MICHIGAN
IN THE 14th CIRCUIT COURT**

GEICO MARINE INSURANCE COMPANY,
a/s/o Donald Meinke, *et al.*,
Plaintiff,

No. 24-4597-CB

v

HON. KENNETH S. HOOPES

JOHN SANOCKI,
Defendant.

Adam K. Gordon (P45106)
Vandever Garzia, P.C.
Attorney for Plaintiff
840 West Long Lake Road, Suite 600
Troy, Michigan 48098
(248) 312-2800
adamgordon@vgpclaw.com

Peter K. Moroh (ARDC no. 6225676)
Law Offices of Peter K. Moroh
Attorney for Plaintiff
332 South Michigan Avenue, Suite 900
Chicago, Illinois 60604
(312) 910-1018
pmoroh@msn.com

Timothy W. Mizerowski (P43772)
William L. Parker (P51485)
Nicholas P. Gamber (P83738)
Mizerowski Thon Parker & DiMarco, P.C.
Attorneys for Defendant
43155 Main Street, Suite 2200-B
Novi, Michigan 48375
(734) 656-1500
wparker@tmizlaw.com
ngamber@tmizlaw.com
pcarbary@tmizlaw.com

Opinion and Order on Defendant's Motion for Summary Determination

Defendant, John Sanocki, has moved to dismiss under MCR 2.116(C)(4), (C)(7), and (C)(8). Lack of subject-matter jurisdiction is ground for dismissal under subrule (C)(4). These motions may be contested by affidavits, depositions, admissions, or other documentary evidence. MCR 2.116(G)(2). The court must consider such materials when they are submitted. MCR 2.116(G)(5). It must determine whether the pleadings demonstrate that the defendant is entitled to judgment as a matter of law, or whether the proofs show that there is no genuine issue of material fact. *Meisner Law Group PC v Weston Downs Condo Ass'n*, 321 Mich App 702, 714; 909 NW2d 890 (2017).

The existence of an earlier judgment as a bar to a claim is ground for a motion under subrule (C)(7). Like all motions for summary disposition, these motions test whether the movant is entitled to judgment as a matter of law. *Maiden v Rozwood*, 461 Mich 109, 118; 597 NW2d 817 (1999). Any review of a complaint accepts all well-pleaded factual allegations as true and construes them in the light most favorable to the non-movant. *Trowell v Providence Hosp and Med Ctr*, 502 Mich 509, 519; 918 NW2d 645 (2018). But a party may support a motion under this subrule with admissible affidavits, depositions, or other documentary evidence to contradict the truth of the allegations. *Maiden*, 461 Mich at 119.

Motions under MCR 2.116(C)(8) test the legal sufficiency of the complaint. *Id.* The court considers only the pleadings when deciding this question. MCR 2.116(G)(5).

The parties do not contest the following facts: John Sanocki stored his boat in a shed on land. There was a fire in the shed that damaged other boats owned by other people. On receiving claims for damages from those people, Sanocki filed an action in federal court seeking the protection of the Exoneration and Limitation of Liability provisions of United States Code Title 46 (46 USC 30521 through 30530). Not all of the people whose boats were damaged appeared in that case, GEICO's subrogors among them. The claimants in that case moved to dismiss for lack of subject-matter jurisdiction. But Sanocki settled with the claimants before the court decided the motion. The federal court did not make any findings regarding its jurisdiction. The order dismissing the case barred any claims against Sanocki by the defaulting parties. It excepted three of the subrogors here, Jim Snead, William Oliver, and Matthias Meyer, because they had not been served process. Sanocki argues that the federal court, sitting in admiralty, had

exclusive jurisdiction over this dispute and that the dismissal order bars this action.

GEICO responds that the federal court lacked jurisdiction.

The collateral-bar rule generally prohibits indirect attack on a previous judgment in a later, separate action unless the court that issued the earlier judgment lacked personal or subject-matter jurisdiction in the first place. *In re Ferranti*, 504 Mich 1, 2; 934 NW2d 610 (2019). Federal admiralty and maritime jurisdiction “extends to and includes cases of injury or damage, to person or property, caused by a vessel on navigable waters, even though the injury or damages is done or consummated on land.” 46 USC 30101. The purpose of this, the Extension of Admiralty Jurisdiction Act, is to end the confusion over the line between land and water by investing admiralty courts with jurisdiction over all cases where the injury was caused by a vessel on navigable water but the injury happened on land. *Jerome B Grubart, Inc v Great Lakes Dredge & Dock Co*, 513 US 527, 532; 115 S Ct 1043; 130 L Ed 2d 1024 (1994).

A party seeking to invoke federal admiralty jurisdiction over a tort claim must satisfy conditions both of location and connection with maritime activity. *Id.* at 534. “A court applying the location test must determine whether the tort occurred on navigable water or whether injury suffered on land was caused by a vessel on navigable water.” The connection test first requires the court to assess the general features of the type of incident involved and then to decide whether the general character of the activity giving rise to the incident shows a substantial relationship to traditional maritime activity. *Id.*


Sanocki fails both tests. His boat was in a storage shed on land—not “on navigable water” as required by the plain language of the Extension of Admiralty Jurisdiction Act and the Supreme Court’s ruling in *Grubart*. The activity which gave rise

to the incident, storing the boat on land in a shed, has "little to do with the maritime commerce lying at the heart of the admiralty court's basic work." See *Id.* at 533. The pleasure boat itself has next to nothing to do with maritime *commerce* and there is nothing before the court to show that this particular fire might have disrupted commerce or navigation. See *Id.* at 532—534.

The court finds that the federal court to which Sanocki resorted for the protections of maritime law had no jurisdiction to hear his petition. Lack of jurisdiction renders a judgment void. *Bowie v Arder*, 441 Mich 23, 56; 490 NW2d 568 (1992). Therefore, the order of dismissal and default judgment in the federal action does not bar GEICO's claim here. (In any event, the claims of Snead, Oliver, and Meyer are not barred because the federal order expressly excepted them.) This action is a common tort claim for negligence. The court has subject-matter jurisdiction over such claims and the motion fails under MCR 2.116(C)(4). And the court has reviewed the complaint and finds that it is legally sufficient; Sanocki's motion fails under subrule (C)(8) as well. The motion is therefore DENIED.

IT IS SO ORDERED. This order neither resolves all issues nor closes the case.


April 15, 2025



Kenneth S. Hoopes (P53469)
Circuit Judge

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of April 2025 I personally handed or mailed copies of this order to the parties above named at their respective addresses by ordinary mail.



Annette Jones, 14th Circuit Court Sheila A. Amaya
Assistant to the Hon. Kenneth S. Hoopes
Senior County Clerk Specialist