

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

FACIAL BEAUTY DENTAL
Plaintiff

NO. 2024-205857-CB

V

HON. VICTORIA A. VALENTINE

ROWE,AMY
Defendant

ORDER

**At a session of Court
held in Oakland County, Michigan
on 4/22/2025**

THE COURT FINDS: This matter is before the Court on Plaintiff's Motion for Summary Disposition under MCR 2.116(C)(10), which was filed on March 28, 2025, and which was scheduled to be heard on April 23, 2025. The Court file reflects that Defendant failed to file a response to the motion. The Court has reviewed the Court file and Motion and adopts the facts and law set forth therein. This Order is entered without oral argument. MCR 2.119(E)(3).

Summary disposition under MCR 2.116(C)(10) may be granted where "[e]xcept as to the amount of damages, there is no genuine issue as to any material fact, and the moving party is entitled to judgment or partial judgment as a matter of law." This motion tests the factual sufficiency of the complaint and "must specifically identify the issues as to which the moving party believes there is no genuine issue as to any material fact." MCR 2.116(G)(4). The moving party bears the initial burden of supporting its position. *Smith v Globe Life Ins Co*, 460 Mich 446, 455 (1999). "Affidavits, depositions, admissions, or other documentary evidence in support of the grounds asserted in the motion are required . . . when judgment is sought based on [MCR 2.116(C)(10)]." MCR 2.116(G)(3)(b).

"The burden then shifts to the opposing party to establish that a genuine issue of disputed fact exists. Where the burden of proof at trial on a dispositive issue rest on a nonmoving party, the nonmoving party may not rely on mere allegations or denials in the pleadings, but must go beyond the pleadings to set forth specific facts showing that a genuine issue of material fact exists. If the opposing party fails to present documentary evidence establishing the existence of a material factual dispute, the motion is properly granted." *Smith*, 460 Mich at 455 (citations omitted; emphasis added).

If the motion for summary disposition is properly made and supported, an adverse party must, by affidavit or otherwise, "set forth specific facts showing there is a genuine issue for trial." MCR 2.116(G)(4). If the adverse party fails to respond, and if appropriate, the court shall grant the summary disposition motion. MCR 2.116(G)(4).

It is well-settled that “[t]rial courts are not the research assistants of the litigants” and that “the parties have a duty to fully present their legal arguments to the court for its resolution of their dispute.” *Walters v Nadell*, 481 Mich 377, 388 (2008). “A party may not merely announce its position and leave it to this Court to discover and rationalize the basis for [its] claims, or give issues cursory treatment with little or no citation to supporting authority.” *Wolfe v Wayne-Westland Community Schs*, 267 Mich App 130, 139 (2005). See also *Moses, Inc v Southeast Mich Council of Governments*, 270 Mich App 401, 417 (2006) (“If a party fails to adequately brief a position, or support a claim with authority, it is abandoned.”). See *Mercurio v Huntington Nat’l Bank*, ___ Mich App ___ (2023) (Docket No. 361855), 2023 WL 4981374 at p 10 (cannot conclude that trial court erred by finding that the plaintiff made no substantive response to legal argument made by the defendant in the motion for summary disposition.)


Here, Defendant failed to timely file a response to the Motion for Summary Disposition and, as a result, does not contest the facts therein as well the statements set forth in the affidavit. Consequently, Defendant has not presented any facts establishing a genuine issue of material fact for trial.

Plaintiff’s Motion along with attached exhibits demonstrates that Plaintiff is entitled to the relief sought therein.

THEREFORE, THE COURT HEREBY ORDERS: Plaintiff’s Motion for Summary Disposition is hereby GRANTED. As set forth in Plaintiff’s Motion, Rowe is liable to FBD in the amount of \$328,624.17, less \$3,600 for the purported gift cards, plus \$14,999 for the admitted unauthorized patient discounts, resulting in a total award of \$340,023.17. Pursuant to applicable law, FBD is further entitled to treble damages, for a total of \$1,020,069.51.

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

Dated: 4/22/2025

/s/Victoria A. Valentine
HON. VICTORIA A. VALENTINE
CIRCUIT COURT JUDGE