

**STATE OF MICHIGAN
IN THE 30TH JUDICIAL CIRCUIT FOR INGHAM COUNTY**

JOHN H. DOUGLAS SR.,

Plaintiff/Counter-Defendant,

v

JOHN H. DOUGLAS JR.,

Defendant/Counter-Plaintiff,

and

DOUGLAS SUPPLY, LLC,

Defendant.

OPINION & ORDER

23-879-CB

HON. JAMES S. JAMO

At a session of said Court
held in the city of Lansing, county of Ingham,
this 22nd day of September, 2025.

PRESENT: HON. JAMES S. JAMO, Circuit Court Judge

This matter comes before the Court on Plaintiff/Counter-Defendant John H. Douglas Sr.’s (JDS) Motion in Limine. During the final pretrial conference in this file held on September 8, 2025, this Court set a briefing deadline for any motions in limine to be filed on or before September 12, 2025, with responses to be filed on or before September 19, 2025. The only motion in limine received was the present motion on behalf of JDS. This Court, being fully apprised of the premises, GRANTS JDS’s Motion.

First, JDS asks this Court to exclude any evidence and/or testimony about JDS’ allegedly “dangerous” and “erratic” behavior as irrelevant to the remaining counts: JDS’ claim of conversion and JDJ’s claim of breach of fiduciary duty. Defendant/Counter-Plaintiff John H. Douglas Jr. (JDJ) argues this evidence is relevant to “whether JDJ had the requisite specific intent to ‘convert’ JDS’s property, or he was just attempting to protect the Company,” based on JDJ’s alleged belief that

JDS was not a member of Douglas Supply, LLC, and whether JDS breached his fiduciary duties to the Company. Response Brief, pg 2.

First, the Court notes that JDJ's alleged belief that JDS was not a member of Douglas Supply is irrelevant to the conversion claim where "[g]ood faith, mistake, and ignorance are not defenses to a claim of conversion." *Magley v M & W Inc*, 325 Mich App 307, 315 (2018) citing *Moore v Andrews*, 203 Mich 219, 233 (1918). Civil conversion is "an intentional tort in the sense that the converter's actions are willful," however, conversion "can be committed unwittingly if [the defendant is] unaware of the plaintiff's outstanding property interest." *Id.*, 314-315, quoting *Foremost Ins Co v Allstate Ins Co*, 439 Mich 378, 391 (1992). As such, JDS' behavior, whether dangerous or erratic or otherwise, is irrelevant.

Second, the breach of fiduciary duty claim concerns JDS' actions regarding a Lowe's account and line of credit. While any of JDS' actions taken with regard to the account and line of credit may be relevant, JDJ has not identified any dangerous or erratic behavior specifically relevant to this claim.

Finally, JDJ's alleged belief or understanding that JDS was not a member of Douglas Supply has already been ruled on by this Court. JDJ's belief or understanding is wholly irrelevant under the law of this case, which is that JDS was a member of Douglas Supply during the period of time at issue. The only question for the jury as to JDS' claim of conversion is whether JDJ willfully committed any distinct act to convert JDS' personal property to his own use. MCL 600.2919a(1); *Aroma Wines & Equip, Inc v Columbian Distrib Servs, Inc*, 313 Mich App 441, 447 (2013). The question for the jury as to JDJ's claim of breach of fiduciary duties is whether JDS had a fiduciary duty to the Company, whether JDS breached that duty, and whether damages resulted from the breach of that duty. *Highfield Beach at Lake Michigan v Sanderson*, 331 Mich App 636, 665 (2020).

The Court finds any evidence, testimony, or argument regarding JDS' character or behavior as dangerous, erratic, or similar will be excluded at trial as irrelevant, unfairly prejudicial, and improper character evidence under MRE 404. Further, the Court finds any evidence, testimony, or argument regarding JDS' membership status in the Company or JDJ's alleged beliefs regarding JDS' membership status in the Company will also be excluded as irrelevant and contrary to the law of the case.

JDS also asks this Court to preclude any evidence, testimony, or arguments implying or suggesting the existence of evidence not produced during discovery, such as evidence regarding expenditures, receipts, or other financial information of the Company. JDJ indicates the only evidence he seeks to introduce are tax returns, which were provided during discovery, and testimony explaining certain transactions in the LAFCU bank records. In accordance with the Michigan Rules of Evidence, the Court finds that any evidence, testimony, or arguments either directly referencing or implying or suggesting the existence of evidence not produced during discovery will be excluded at trial.

IT IS SO ORDERED.

/s/ James S. Jamo
Hon. James S. Jamo
Circuit Court Judge

PROOF OF SERVICE

I hereby certify that I mailed a copy of the above ORDER to each attorney of record, or upon the parties by e-mail on September 22, 2025.

/s/ Kacie Smith
Kacie Smith (P78903)
Law Clerk to the Hon. James S. Jamo