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STATE OF MICHIGAN

COURT OF APPEALS

BRIAN TADAJEWSKI,

Plaintiff-Appellant,

v

BERG ASSESSING & CONSULTING, INC.,

Defendant-Appellee,

and

ALLAN BERG, ALPENA COUNTY ROAD COMMISSION, WILLIAM L. HENN, D. ADAM TOUNTAS, and DREW W. BROADDUS,

Defendants.

UNPUBLISHED
October 05, 2026
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No. 377894
Alpena Circuit Court
LC No. 25-003160-CK

BRIAN TADAJEWSKI,

Plaintiff-Appellant,

v

BERG ASSESSING & CONSULTING, INC., and ALPENA COUNTY ROAD COMMISSION,

Defendants-Appellees,

and

ALLAN BERG, WILLIAM L. HENN, D. ADAM TOUNTAS, and DREW W. BROADDUS,

Defendants.

No. 378658
Alpena Circuit Court
LC No. 25-003160-CK

Before: MARIANI, P.J., and FEENEY and TREBILCOCK, JJ.

PER CURIAM.

In Docket No. 377894, plaintiff, Brian Tadajewski, appeals by right the trial court's order granting summary disposition in favor of defendants Berg Assessing & Consulting, Inc., and Allan Berg (collectively, "BAC"), and the court's order granting summary disposition in favor of defendants Alpena County Road Commission, William L. Henn, D. Adam Tountas, and Drew W. Broaddus (collectively, "the Road Commission defendants"). In Docket No. 378658, plaintiff appeals by right the trial court's order awarding monetary sanctions to the Road Commission defendants on the basis of the frivolousness of plaintiff's claims.[1] We affirm.

I. BACKGROUND

Although this appeal is the first in these particular cases, the underlying facts and proceedings are not new to this Court. See *Alpena Co Bd of Co Rd Comm'rs v Tadajewski*, ___ Mich App ___; ___ NW3d ___ (2025) (Docket No. 374166). In *Alpena Co*, ___ Mich App at ___; slip op at 1-2, this Court described the relevant factual and procedural background as follows:

> [Plaintiff] owns land adjacent to Geronimo Road in Alpena County. In December 2022, [the Road Commission] filed an action alleging that Geronimo Road is a public right-of-way and that [plaintiff] had been placing dangerous obstructions on the portion of the roadway adjacent to his property. In August 2023, the [trial] court granted [the Road Commission's] motion for summary disposition, ruling in a final order that a highway-by-user under MCL 221.20 had been established and that [plaintiff] was not to place any encroachments in the Geronimo Road right-of-way. [Plaintiff] did not appeal the order.
>
> Over a year later, [plaintiff] filed a motion asserting that the right-of-way was 33 feet wide, despite the clear language in MCL 221.20 that a highway-by-user is 4 rods, or 66 feet, wide. After the court denied that motion, [plaintiff] filed an untimely claim of appeal, which was dismissed.
>
> After [plaintiff] placed additional encroachments in the right-of-way, [the Road Commission] sought a hearing to show cause why [plaintiff] should not be held in contempt for failing to adhere to the court's August 2023 final order. In December 2024, the trial court concluded that [plaintiff] was in contempt of court and assessed $6,992 in attorney fees and $629.84 in expenses [the Road Commission] incurred to remove [plaintiff's] encroaching obstructions. [Plaintiff] claimed an appeal from that order. [Footnote omitted.]

[1] We consolidated these appeals "to advance the efficient administration of the appellate process." *Tadajewski v Berg Assessing & Consulting, Inc*, unpublished order of the Court of Appeals, entered January 7, 2026 (Docket Nos. 377894; 378658).

In *Alpena Co*, this Court ultimately dismissed plaintiff's appeal for lack of jurisdiction, concluding that because the trial court's order imposing compensatory civil contempt sanctions was not a final order conferring appellate jurisdiction under MCR 7.202(6), plaintiff could not appeal that order by right. *Id*. at ___; slip op at 1, 3-4.

During the pendency of his appeal in *Alpena Co*, plaintiff, *in propria persona*,[2] initiated the instant proceedings. In his complaint, plaintiff sought to quiet title as to the portions of Geronimo Road he had previously contested, and he continued to allege that his property had been improperly altered and infringed upon.[3] Plaintiff named as defendants the Road Commission, Henn (the Road Commission's counsel in the prior matter), Tountas and Broaddus (the Road Commission's counsel at that time), and BAC.[4] In lieu of filing an answer, the Road Commission defendants filed motions for summary disposition pursuant to MCR 2.116(C)(7) (dismissal appropriate because of prior judgment or other disposition of the claim) and (8) (failure to state a claim on which relief can be granted). The Road Commission defendants argued that plaintiff was improperly attempting to relitigate the underlying case and had provided no legitimate factual or legal basis to support any of the claims raised in his complaint. They also sought monetary sanctions against plaintiff to cover their costs and attorney fees incurred as a result of defending against his frivolous claims.

Following multiple hearings on the matter (and numerous additional filings by plaintiff), the trial court granted summary disposition in favor of the Road Commission defendants, concluding that plaintiff's claims against them were "barred by *res judicata* or quasi-judicial immunity, or otherwise fail[ed] to state a claim upon which relief can be granted." The court also concluded that plaintiff's claims against those defendants "were frivolous within the meaning of MCL 600.2591(3)(a)," and ordered plaintiff to reimburse "all costs and reasonable attorneys' fees incurred by them in connection with this lawsuit." After conducting an additional hearing to determine the appropriate amount of costs and fees—at which the Road Commission defendants submitted a detailed bill of costs and fees along with affidavits from Tountas and Broaddus—the court sanctioned plaintiff in the amount of $46,334.

Meanwhile, BAC had not been served properly and, as a result, had been defaulted. BAC, however, later moved to set aside the default, which the trial court granted. BAC thereafter filed, in lieu of an answer, a motion for summary disposition pursuant to MCR 2.116(C)(4) (lack of subject-matter jurisdiction), (7), and (8). Following a hearing on the matter, the trial court granted BAC's motion. In doing so, the court concluded that the assessing company had no power to, and did not, alter the boundaries of plaintiff's property, and had done nothing more than reduce his tax burden in light of the public right-of-way that had previously been established under MCL 221.20.

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[2] Plaintiff represented himself below and is representing himself on appeal.

[3] Plaintiff also raised a plethora of other claims in his complaint, often relying on criminal or otherwise inapposite statutes. The particulars of those claims are not relevant to these appeals.

[4] Plaintiff did not initially name Tountas and Broaddus as defendants, but later amended his complaint to do so.

The court explained that plaintiff's claims against BAC were ultimately the result of plaintiff's "misunderstanding of the law and misunderstanding of what's transpiring[.]"

These appeals followed.

II. DOCKET NO. 377894

On appeal, plaintiff raises a significant number of (largely unrelated) challenges regarding the trial court's decision to grant summary disposition to defendants. For the reasons that follow, we do not see in these challenges any basis for relief.

A. STANDARDS OF REVIEW

In granting summary disposition, the trial court relied on MCR 2.116(C)(7) and (8). We review that ruling de novo. *Krieger v Dep't of Environment, Great Lakes, & Energy*, 348 Mich App 156, 170; 17 NW3d 700 (2023). A motion under MCR 2.116(C)(8) "tests the legal sufficiency of a claim" and is decided "on the pleadings alone." *Id*. at 171 (cleaned up). Summary disposition under that subrule is appropriate when, taking the well-pleaded factual allegations of the complaint as true and in the light most favorable to the nonmoving party, the "claim is so clearly unenforceable that no factual development could possibly justify recovery." *Id*. (quotation marks and citation omitted). For a motion under MCR 2.116(C)(7), meanwhile, the court "consider[s] all documentary evidence submitted by the parties, accepting as true the contents of the complaint unless affidavits or other appropriate documents specifically contradict them." *Id*. at 170 (quotation marks and citation omitted). "If a genuine issue of material fact exists after properly considering all the evidence, dismissal is inappropriate," but "if no facts are in dispute, and if reasonable minds could not differ regarding the legal effect of those facts, the question whether the claim is barred is an issue of law for the court." *Id*. at 171 (cleaned up).

A few of plaintiff's challenges were raised for the first time in a motion for reconsideration, which the trial court denied. A decision on a motion for reconsideration is reviewed for an abuse of discretion, which occurs when the trial court renders a decision that "falls outside the range of reasonable and principled outcomes." *Jackson v Bulk AG Innovations, LLC*, 342 Mich App 19, 24; 993 NW2d 11 (2022) (quotation marks and citation omitted).

B. DISCUSSION

Plaintiff first contends that because the register of actions contains no proof of service of a summons, the trial court was without jurisdiction to grant summary disposition to BAC. But this issue is meritless, as "a party who enters a general appearance and contests a cause of action on the merits submits to the court's jurisdiction." *In re Gordon Estate*, 222 Mich App 148, 158; 564 NW2d 497 (1997). All defendants, including BAC, contested plaintiff's claims on the merits. And we see no basis to conclude that the trial court otherwise lacked jurisdiction to adjudicate the matter as it did.

Next, plaintiff contends that reversible error occurred when the trial court took too long to rule on his motion for a default judgment after BAC had a default entered against it by the court clerk. According to plaintiff, this prejudiced him because it allowed BAC to file a motion for

summary disposition, which the court ultimately granted. But BAC operated under the assumption that a default judgment had already been entered, and it moved to have it set aside, providing good cause—improper service of the complaint—and an affidavit of meritorious defense. See MCR 2.603(D)(1). And although plaintiff contends that the court violated MCR 2.603(B)(3) and MCR 2.119(F)(1), neither of these subdivisions provides a timeline for when a court must rule on a party's motion for entry of a default judgment. Nor do we see any other basis to conclude that the trial court reversibly erred in its handling of plaintiff's motion.

Likewise meritless is plaintiff's argument that the trial court improperly considered documents that BAC attached to its motion for summary disposition rather than limiting its review to the pleadings alone, given that BAC moved for summary disposition under MCR 2.116(C)(8). Although plaintiff correctly observes that a court may consider "[o]nly the pleadings" when rendering a decision on a motion for summary disposition under MCR 2.116(C)(8), he neglects the fact that BAC also moved for summary disposition under (C)(4) and (C)(7), both of which require the court to consider a party's proffered evidence. MCR 2.116(G)(5). In any event, it is readily apparent from the trial court's oral ruling on BAC's motion that the court was, in fact, relying on the pleadings alone when granting that motion.

Plaintiff next contends that BAC's counsel was unsure of BAC's position at the hearing on its motion for summary disposition and that the trial court then improperly took on the role of BAC's advocate. But the record plainly belies this claim, showing instead that BAC's counsel clearly and emphatically stated why plaintiff's claims were not viable. The trial court then merely explained in its own words to plaintiff that BAC could not and did not alter his property description and that his lawsuit against BAC was therefore misguided. The trial court did not abuse its discretion by denying plaintiff's motion for reconsideration as to this issue. See *Jackson*, 342 Mich App at 24.

Plaintiff also argues that the trial court and BAC's counsel implied that he was confusing his property claim with a taxation or assessment issue when there was no evidence that he was confused or that he purported to object to the assessment or collection of taxes. But the record simply shows BAC's counsel and the trial court repeatedly attempting to explain to plaintiff that BAC had no power to alter plaintiff's property description or deed and was merely the entity that determined the assessed value of his property for taxation purposes, while plaintiff continued to insist that BAC altered his property description. We see no viable claim for relief as to this issue.

Throughout his brief on appeal, plaintiff raises several arguments in which he appears to be contending that BAC improperly relied on the trial court's August 2023 order from the underlying *Alpena Co* case in determining his property's dimensions when that order did not contain the dimensions used by BAC. Again, plaintiff's property claims against BAC are unfounded and misguided, as BAC did not alter or purport to alter the legal dimensions of his property; instead, BAC simply performed a tax assessment on plaintiff's property and only acted in plaintiff's favor by lowering his property taxes as a result of that assessment. In any event, the August 2023 order stated that Geronimo Road was "hereby declared a public highway established by user, pursuant to MCL 221.20," which provides that such highways "shall be 4 rods," or 66 feet, in width. MCL 221.20. Here, BAC decreased the taxable area by one-half the width of the road, i.e., the 33-foot-wide portion of Geronimo Road that the Road Commission had quieted title

for in the underlying case. Plaintiff's many arguments about BAC's reliance on the August 2023 order do not demonstrate a viable claim for relief.

Plaintiff contends that BAC used the trial court's August 2023 order "to justify land seizure threats and contempt against" him, and that the trial court went along with BAC's arguments, thereby violating the court's own prior approaches to boundary disputes. As discussed, however, BAC did not seize any land from plaintiff, nor did it ever threaten to do so. And the contempt plaintiff refers to arose from the underlying *Alpena Co* case, with which BAC was entirely uninvolved. These arguments do not betray any error in the trial court's disposition of the instant matter and the motions presented therein.

Plaintiff next argues that the trial court did not make proper factual findings when ruling on defendants' motions for summary disposition. But, in doing so, plaintiff improperly relies on MCR 2.517(A)(1), which pertains to a court's factual findings in a bench trial—something that never occurred in this case. And regardless, the record before us demonstrates that the trial court thoroughly explained its factual findings either in its written orders granting summary disposition or at the motion hearings when ruling on each of defendants' motions.

Plaintiff also asserts that the trial court "disrespected" this Court's authority at BAC's motion hearing when it allegedly dismissed the importance of plaintiff's appeals in both the underlying *Alpena Co* case and this case.[5] Plaintiff argues, somewhat unclearly, that the trial court was not showing adequate deference to this Court at the hearing. But the record reflects that the trial court was merely explaining to plaintiff why the appellate proceedings did not affect its ruling on BAC's motion. Specifically, the court explained to plaintiff that his various appeals to this Court did not stay the proceedings; that plaintiff should (and could) have requested a stay of proceedings from the court; and that because plaintiff never made such a request, the court was obligated to issue a ruling on BAC's motion for summary disposition, despite plaintiff's appeals to this Court. The trial court retained jurisdiction over the pending proceedings against BAC that were not the subject of plaintiff's appeals. See *Bass v Combs*, 238 Mich App 16, 24-25; 604 NW2d 727 (1999), overruled in part on other grounds by *Dimmitt & Owen Financial, Inc v Deloitte & Touche (ISC), LLC*, 481 Mich 618, 628; 752 NW2d 37 (2008). We see no error or grounds for relief as to this issue.

[5] This Court denied several of plaintiff's attempts to appeal, either via claims of appeal or applications for leave to appeal, through various non-final orders issued in this case while the lower-court proceedings were still ongoing. See *Tadajewski v Berg Assessing & Consulting, Inc*, unpublished order of the Court of Appeals, entered April 16, 2026 (Docket No. 378127); *Tadajewski v Berg Assessing & Consulting, Inc*, unpublished order of the Court of Appeals, entered April 16, 2026 (Docket No. 377961); *Tadajewski v Berg Assessing & Consulting, Inc*, unpublished order of the Court of Appeals, entered April 16, 2026 (Docket No. 377852); *Tadajewski v Berg Assessing & Consulting, Inc*, unpublished order of the Court of Appeals, entered November 4, 2025 (Docket No. 377727); *Tadajewski v Berg Assessing & Consulting, Inc*, unpublished order of the Court of Appeals, entered October 14, 2025 (Docket Nos. 377551; 377578).

Finally, plaintiff accuses the trial court of judicial misconduct resulting in the violation of his constitutional right to due process. At bottom, this claim is primarily based on a reiteration of the other arguments plaintiff raises on appeal, all of which are, for the reasons discussed above, without merit. And more generally, the record before us is devoid of any evidence of "a deep-seated favoritism or antagonism that would make fair judgment impossible" and that would be sufficient to overcome the "heavy presumption of judicial impartiality." *Kern v Kern-Koskela*, 320 Mich App 212, 231-232; 905 NW2d 453 (2017) (quotation marks and citations omitted).

In sum, plaintiff has not demonstrated reversible error in any of the issues he raises on appeal. Accordingly, reversal of the trial court's summary-disposition rulings is unwarranted.[6]

III. DOCKET NO. 378658

As with the trial court's summary-disposition rulings, plaintiff raises a litany of challenges to the trial court's order awarding monetary sanctions to the Road Commission defendants. Here too, we do not see grounds for relief in plaintiff's challenges.

A. STANDARDS OF REVIEW

As discussed, the trial court awarded costs and attorney fees under MCL 600.2591 to the Road Commission defendants after concluding that plaintiff's claims against them were frivolous. "A trial court's finding that an action is frivolous is reviewed for clear error." *Kitchen v Kitchen*, 465 Mich 654, 661; 641 NW2d 245 (2002). "A decision is clearly erroneous where, although there is evidence to support it, the reviewing court is left with a definite and firm conviction that a mistake has been made." *Id*. at 661-662. "The reasonableness of the fees awarded is . . . reviewed for an abuse of discretion, and any underlying questions of law are reviewed de novo." *Lakeside Retreats, LLC v Camp No Counselors, LLC*, 340 Mich App 79, 89; 985 NW2d 225 (2022).

B. DISCUSSION

Plaintiff argues that the trial court erroneously granted sanctions to the Road Commission defendants without ever resolving the boundary dispute. But the entire point of the Road Commission defendants' motion for summary disposition—and, ultimately, their request for monetary sanctions—was that the boundary dispute was at issue in the underlying *Alpena Co* case

[6] On appeal, plaintiff also raises arguments about a purported conspiracy to hide allegedly damaging admissions made by BAC and to impair plaintiff's rights, and about an alleged attempt by BAC's counsel to obstruct plaintiff's appellate rights. Plaintiff, however, did not preserve these arguments below, and has thereby waived appellate review of them. See *In re Doe*, 350 Mich App 1, 9; 29 NW3d 499 (2024) ("In civil cases, under the 'raise or waive' rule of appellate review, a litigant must generally preserve an issue for appellate review by raising it before the trial court."). We note, however, that from what we can glean of these arguments, we do not see any merit or basis for relief as to them.

and that, as a result, res judicata barred plaintiff's current lawsuit against them. There was no need for the trial court to readdress the merits of that boundary dispute in order to properly conclude that plaintiff's current lawsuit was frivolous. And contrary to plaintiff's assertion, the trial court's August 2023 order in the underlying case, which *did* resolve the boundary dispute, was itself adequately supported as well, and was signed and entered into the record. See MCR 2.602.

Plaintiff also argues that the trial court's August 2023 order did not authorize plowing a 100-by-275-foot area and that the court's "tacit acceptance of unauthorized plowing endorsed unlawful trespass." Plaintiff did raise, by way of his complaint, an issue regarding snowplowing going beyond the right-of-way. But his trespass claim regarding this plowing was based on MCL 750.377a and MCL 750.522, which are a penal statute and a repealed statute under the penal code, respectively. Nor does plaintiff explain why the sanctions order would be reversibly erroneous based solely on this claim, given the many other claims made in his complaint that the Road Commission defendants had to defend against as well. See *Wilson v Taylor*, 457 Mich 232, 243; 577 NW2d 100 (1998) (noting that a party may not simply "announce a position or assert an error and then leave it up to this Court to discover and rationalize the basis for his claims, or unravel and elaborate for him his arguments, and then search for authority either to sustain or reject his position") (quotation marks and citation omitted).

Plaintiff next argues that the trial court improperly relied on attorney-fee invoices with some redacted information and "on conversations outside the case" when determining the amount of the costs and fees award. But plaintiff does not explain, nor is it apparent from the existing record, what conversations "outside the case" the trial court relied on. See *id*. As for the submitted billing records, the only redactions they contained were those pertaining to the names of nonparty individuals with whom counsel conferred. Relatedly, plaintiff argues that "Michigan precedent establishes that attorney fee awards must be supported by lawful authority and detailed documentation," but the award at issue was duly grounded in the law and the documentation supporting it was very detailed and adequately indicated the nature of the work that was performed. Plaintiff's broad and general argument that there were "redactions" is insufficient to warrant any appellate relief. See *id*.

Next, plaintiff argues that the trial court should have conducted a hearing regarding his objections to the proposed fee award and that, without such a hearing having been held, it was unclear whether the court even reviewed the pertinent briefs. Plaintiff, however, waived these issues when he affirmatively stated below that the scheduled "December 16[, 2025] hearing," which was initially scheduled to address plaintiff's objections, "must be canceled and void." See *The Cadle Co v City of Kentwood*, 285 Mich App 240, 254-255; 776 NW2d 145 (2009). Furthermore, the record reflects that the trial court allowed plaintiff to raise his objections at the motion hearing, and accepted and considered plaintiff's additional written objections, prior to issuing its order awarding $46,334 in costs and fees to the Road Commission defendants. Plaintiff has shown no viable basis for relief as to these issues.

Finally, plaintiff contends that the trial court should not have allowed the Road Commission defendants to file a motion for costs and fees because the order granting summary disposition to BAC was a final order that closed the case. But "there can be more than one final judgment or order in an action," and "[a]n order to allow attorney fees after entry of an order

disposing of the meritorious question is one of the specific circumstances where separate final orders are recognized." *Avery v Demetropoulos*, 209 Mich App 500, 503; 531 NW2d 720 (1994).

Plaintiff has not demonstrated reversible error as to any of these issues. We therefore see no basis to disrupt the trial court's order awarding $46,334 in costs and fees to the Road Commission defendants as a monetary sanction against plaintiff.[7]

Affirmed.

/s/ Philip P. Mariani
/s/ Kathleen A. Feeney
/s/ Christopher M. Trebilcock

[7] We note that, in the course of opposing the trial court's award of monetary sanctions to the Road Commission defendants, plaintiff raises arguments about the content, terms, and continuing effect of the August 2023 order, as well as what constitutes the controlling document for purposes of the right of way. Many of these arguments overlap with arguments he makes in opposing the trial court's award of summary disposition to defendants (discussed *supra*), and they all, at bottom, attempt to relitigate the right-of-way issue that (as the trial court explained) had already been decided in the underlying *Alpena Co* case. To the extent these arguments might have any proper bearing on the trial court's award of monetary sanctions to the Road Commission defendants, we see no merit or basis for relief as to them.

Additionally, plaintiff failed to raise below—and has thus waived appellate review of—his arguments about the trial court's signature, the Road Commission defendants' responses to his objections, the court clerk's maintenance of the register of actions, and the court's labeling of the two final orders. See *Doe*, 350 Mich App at 9. We note, however, that from what we can glean of these arguments, we see no merit or basis for relief as to any of them, either.