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STATE OF MICHIGAN

COURT OF APPEALS

EARL BLOUNT, JR.,

Plaintiff-Appellant,

v

SARAH FERWEDA,

Defendant-Appellee.

UNPUBLISHED
November 12, 2026
10:31 AM

No. 376076
Saginaw Circuit Court
LC No. 25-000341-NM

EARL BLOUNT, JR.,

Plaintiff-Appellant,

v

PATRICK J. GREENFELDER and MARISA R. COPES and MARISA R. COPES P.C.,

Defendants-Appellees.

No. 376077
Saginaw Circuit Court
LC No. 25-000406-CZ

EARL BLOUNT, JR.,

Plaintiff-Appellant,

v

GREENFELDER COPES and MARISA R. COPES, P.C. and PATRICK GREENFELDER,

Defendants-Appellees.

No. 376079
Saginaw Circuit Court
LC No. 25-000168-CZ

Before: M. J. KELLY, P.J., and RIORDAN and RICK, JJ.

PER CURIAM.

In these consolidated appeals,[1] plaintiff, proceeding as a self-represented litigant, appeals as of right three orders granting summary disposition under MCR 2.116(C)(8) (failure to state a claim) in favor of defendants. We affirm.

I. FACTUAL AND PROCEDURAL BACKGROUND

These appeals stem from plaintiff's disputes with attorneys associated with the Greenfelder Copes law office. In September 2024, plaintiff was informed that Patrick Greenfelder would represent Guns N Hoses, LLC (GNH), in litigation plaintiff intended to pursue. Plaintiff emailed Greenfelder a proposed complaint. According to plaintiff, Greenfelder confirmed that GNH was his client, threatened to seek dismissal and sanctions if plaintiff filed the complaint, and continued corresponding with him.

On October 3, 2024, plaintiff and his father went to the law office to deliver a summons and complaint. Office employees advised them that the office was not representing GNH in the matter and would not accept service. Plaintiff returned to question that statement and showed Greenfelder's emails to employees, including attorney Sarah Ferweda. Plaintiff alleged that Ferweda did not resolve the apparent discrepancy or summon Greenfelder. According to plaintiff, Greenfelder subsequently confronted him in the reception area, directed him to leave and effect proper service, stomped on his foot, and grabbed and shook his arms. Plaintiff pursued a separate assault-and-battery action arising from this encounter.

In Docket No. 376076, plaintiff sued Ferweda, alleging that she failed to clarify the status of Greenfelder's representation, ensure that an appearance was filed, and prevent the confrontation. He asserted that MCR 2.117 created a constitutionally protected liberty interest and that Ferweda violated his rights while acting under color of state law. He also characterized her omissions as negligence and sought to add Ferweda as a defendant to the related litigation.

Docket No. 376077 concerns an allegedly false motion to quash service in an earlier action. Plaintiff asserted that copies of the summons and complaint were delivered to the law office in November and December 2024 and January 2025. He claimed that Greenfelder changed the address of his professional corporation's registered office following the first delivery. After plaintiff sought a default, defendants allegedly moved to quash service and dismiss the underlying action despite knowing of the delivery efforts. Plaintiff also alleged that defendants improperly referred to a purported defendant named "Beth Greenfelder Copes." He characterized the motion as perjury, contempt, fraud on the court, and a denial of constitutional rights, and sought damages and sanctions in this separate action.

In Docket No. 376079, plaintiff sued the law-office defendants on the theory that Greenfelder's emails constituted an appearance under MCR 2.117 and that his failure to file a

[1] *Blount v Ferweda*, unpublished order of the Court of Appeals, entered July 9, 2025 (Docket Nos. 376076, 376077, 376079).

written appearance violated plaintiff's constitutional rights. Plaintiff also alleged professional misconduct and sought to hold the law-office defendants responsible for Greenfelder's conduct.

Defendants moved for summary disposition under MCR 2.116(C)(8) in all three actions. After plaintiff amended his complaints, the circuit court considered the operative pleadings. It concluded that the asserted court-rule and professional-rule violations did not provide the independent civil claims plaintiff sought to pursue, and that the pleadings failed to establish actionable state involvement under 42 USC 1983. The court also concluded that the alleged defects in the motion to quash should be addressed in the proceeding in which the motion was filed. On May 29, 2025, the court entered the orders of dismissal now on appeal. These appeals followed.[2]

II. ANALYSIS

A. STANDARD OF REVIEW

We review de novo a trial court's decision granting summary disposition under MCR 2.116(C)(8). A motion under that subrule tests the legal sufficiency of the complaint on the pleadings alone. *Id*. at 159-160. We accept well-pleaded factual allegations as true and construe them in the plaintiff's favor. *El-Khalil v Oakwood Healthcare, Inc*, 504 Mich 152, 159; 934 NW2d 665 (2019) *Id*. Legal conclusions are not entitled to that presumption. *Davis v Detroit*, 269 Mich App 376, 379 n 1; 711 NW2d 462 (2005). Summary disposition is appropriate when a claim is "so clearly unenforceable that no factual development could possibly justify recovery." *El-Khalil*, 504 Mich at 160. Constitutional questions and the interpretation of court rules are likewise reviewed de novo. *Weishuhn v Lansing Catholic Diocese (After Remand)*, 287 Mich App 211, 218; 787 NW2d 513 (2010); *Haliw v Sterling Heights*, 471 Mich 700, 704; 691 NW2d 753 (2005).

B. ASSERTED CONSTITUTIONAL CLAIMS UNDER 42 USC 1983

Plaintiff argues that MCR 2.117 imposed mandatory duties concerning defendants' appearances and that their failure to fulfill those duties deprived him of a constitutionally protected right while they acted under color of state law. Alternatively, he contends that defendants acted under color of state law because a court employee allegedly informed them of his default request, enabling them to respond and avoid default. Neither theory establishes a viable claim under 42 USC 1983.

To state a claim under § 1983, a plaintiff must allege a deprivation of a right secured by federal law committed under color of state law. *Lugar v Edmondson Oil Co*, 457 US 922, 930, 937; 102 S Ct 2744; 73 L Ed 2d 482 (1982). Plaintiff's appearance-rule theory fails to establish

[2] Plaintiff presents 42 separately numbered questions across these consolidated appeals. Many concern different aspects of the same legal theory, while others address factual disputes relevant to broader claims rather than independent grounds for appellate relief. The questions identified in plaintiff's statements of questions presented do not always correspond to the arguments identified in the tables of contents or developed in the briefs. We therefore consolidate overlapping questions and address the arguments substantively developed in the briefs. To the extent plaintiff identifies additional questions without developing a supporting argument, those issues are abandoned. See *Mitcham v Detroit*, 355 Mich 182, 203; 94 NW2d 388 (1959).

either requirement. The alleged assistance by a court employee likewise does not establish the constitutional deprivation necessary for relief.

MCR 2.117(B)(1) addresses how an attorney may appear in an action, and MCR 2.117(B)(2)(a) directs an attorney who appears without filing a document to "promptly file a written appearance" and serve it on the parties entitled to service. But mandatory procedural language does not, without more, create a substantive liberty or property interest protected by the federal Due Process Clause. In *Olim v Wakinekona*, 461 US 238, 250-251; 103 S Ct 1741; 75 L Ed 2d 813 (1983), the United States Supreme Court explained that "[p]rocess is not an end in itself" and that a state's decision to require procedures "does not create an independent substantive right." Likewise, making particular conduct mandatory does not necessarily confer on an individual a constitutionally protected entitlement to that conduct. *Town of Castle Rock v Gonzales*, 545 US 748, 764-765; 125 S Ct 2796; 162 L Ed 2d 658 (2005). An "entitlement to nothing but procedure" cannot itself establish a protected property interest. *Id*. at 764.

Here, plaintiff identifies no substantive liberty or property interest apart from his asserted entitlement to the written appearance itself. Moreover, assuming that MCR 2.117 required Greenfelder to file a written appearance, that procedural obligation does not establish that its omission deprived plaintiff of a federally protected interest. See *Olim*, 461 US at 250-251; *Castle Rock*, 545 US at 764-765. MCR 2.117(B)(4)(b), governing appearances by members of a firm, does not change that conclusion as to Ferweda.

The appearance rule also does not transform defendants' private representation into state action. A lawyer representing a client is "not, by virtue of being an officer of the court, a state actor" for purposes of § 1983. *Polk Co v Dodson*, 454 US 312, 318; 102 S Ct 445; 70 L Ed 2d 509 (1981). Although *Polk Co* concerned whether a public defender was a state actor under § 1983, the Court explained that representing a client is essentially a private function for which governmental authority is unnecessary. *Id*. at 318-319. Defendants' alleged conduct concerning their appearances arose from their representation of private clients. Plaintiff's characterization of the associated filing obligations as administrative duties does not establish that defendants exercised governmental authority in performing them. See *id*.

Nor does regulation of that conduct by the court rules establish state action. The United States Supreme Court has explained that state regulation of a private business "does not by itself convert its action into that of the State," even when the regulation is extensive and detailed. *Jackson v Metropolitan Edison Co*, 419 US 345, 350; 95 S Ct 449; 42 L Ed 2d 477 (1974). Instead, the inquiry concerns whether there is a "sufficiently close nexus between the State and the challenged action" to treat the private conduct as that of the state itself. *Id*. at 351. The existence of rules governing attorney appearances does not establish that connection between the state and defendants' challenged conduct. Alleged noncompliance does not itself supply the missing state action, because "private misuse of a state statute does not describe conduct that can be attributed to the State." *Lugar*, 457 US at 941. Accordingly, plaintiff's allegation that defendants violated the appearance rule does not establish that their conduct was fairly attributable to the state.

Plaintiff's reliance on *Molnar v Care House*, 574 F Supp 2d 772, 783-786 (ED Mich, 2008), does not alter this conclusion. Although *Molnar* recognized that determining whether private conduct constitutes state action requires a fact-specific inquiry, it rejected the contention

that the private defendants' connections with government agencies made their challenged conduct attributable to the state. *Id*. Plaintiff's reliance on the appearance rule similarly identifies regulation of defendants' conduct, rather than facts establishing the necessary connection between the state and their challenged actions. See *Jackson*, 419 US at 350-351.

Plaintiff's alternative theory rests on the alleged assistance of a court employee. A private person may act under color of state law if he or she is "a willful participant in joint action with the State or its agents." *Dennis v Sparks*, 449 US 24, 27; 101 S Ct 183; 66 L Ed 2d 185 (1980). But even assuming that a court employee informed defendants of plaintiff's default request, plaintiff identifies no federally protected privacy interest in that information. His contention that he was not required to notify defendants does not itself establish a constitutional right to prevent them from learning of the request. Even assuming that a court employee informed defendants of plaintiff's default request, plaintiff has not alleged that defendants and the employee jointly deprived him of a federally protected right. See *Lugar*, 457 US at 930, 937.

Edmonson v Leesville Concrete Co, Inc, 500 US 614, 620-628; 111 S Ct 2077; 114 L Ed 2d 660 (1991), does not compel a different result. That case concerned a private litigant's exercise of governmental authority through peremptory challenges in jury selection. *Id*. at 622-628. The alleged notification here involves no comparable exercise of governmental power. Plaintiff's assertion that the notification enabled defendants to respond to his default request does not establish that he was denied a protected right, and his references to equal access to the courts identify no claim he was prevented from presenting. Accordingly, neither the appearance-rule theory nor the alleged assistance from a court employee establishes a viable claim under § 1983.

C. MOTION TO QUASH

Plaintiff argues that defendants knowingly filed a false motion to quash despite receiving notice of the underlying action. He maintains that the motion improperly denied receipt of process and misrepresented the identity of a purported defendant, enabling defendants to avoid default. According to plaintiff, the allegedly false filing provided an independent basis for relief under MCR 1.109 and MCR 2.105(K)(3), and constituted fraud on the court and a denial of due process. Even accepting his allegations concerning the motion's falsity and defendants' notice, these theories do not establish an independent basis for the relief sought in this action.

MCR 1.109(E)(5) requires a signer to certify, after reasonable inquiry, that a document is "well grounded in fact" and legally supportable, and that it is not interposed for an improper purpose. If a document is signed in violation of the rule, MCR 1.109(E)(6) directs the court, "on the motion of a party or on its own initiative," to impose an appropriate sanction. Available sanctions may include reasonable expenses incurred because of the filing, including attorney fees, but "[t]he court may not assess punitive damages." MCR 1.109(E)(6). These provisions authorize sanctions for an improper filing in the proceeding in which it occurred. Their mandatory language does not create a separate cause of action through which plaintiff may recover damages or obtain sanctions for a filing made in another action.

MCR 2.105(K)(3) likewise does not provide the independent remedy plaintiff seeks. The rule provides that an action "shall not be dismissed for improper service of process" unless service failed to inform the defendant of the action within the time prescribed for service.

MCR 2.105(K)(3). That limitation concerns whether improper service warrants dismissal of the underlying action; it does not create a cause of action against a defendant who challenges service. Thus, defendants' alleged notice could have been relevant to the disposition of their motion to quash, but it does not establish plaintiff's entitlement to relief in this separate action. The rule also does not categorically prohibit a defendant with notice from raising an objection to service.

The allegation that the motion referred to a purported defendant named "Beth Greenfelder Copes" does not change the available remedies. An inaccurate description of a defendant could be raised in opposition to the motion or in a request for sanctions under MCR 1.109(E)(6). Similarly, defendants' alleged knowledge that process had been delivered could bear on whether the motion was factually supportable. Neither allegation converts the procedural rules into an independent cause of action.

Plaintiff's fraud-on-the-court theory also fails because he conflates relief from an earlier judgment or order with a separate claim for damages. MCR 2.612(C)(3) preserves the court's power to entertain an "independent action to relieve a party from a judgment, order, or proceeding" and to set aside a judgment for fraud on the court. *Trost v Buckstop Lure Co, Inc*, 249 Mich App 580, 584-585; 644 NW2d 54 (2002), quoting MCR 2.612(C)(3). Plaintiff, however, sought damages and monetary sanctions in this action rather than equitable relief from a judgment or order in the underlying proceeding. The availability of an independent action for relief from a judgment does not itself create a substantive claim for damages arising from the alleged fraud. See *Rogoski v Muskegon*, 107 Mich App 730, 734-735; 309 NW2d 718 (1981). MCR 2.112(A)(2) and (B), governing challenges to a party's legal existence or capacity and the particularity required when alleging fraud, prescribe pleading requirements rather than create the substantive cause of action plaintiff seeks.

Nor does characterizing the allegedly false motion as a denial of due process establish an independent constitutional claim. As explained in Part B, a claim under 42 USC 1983 requires both a deprivation of a federally protected right *and* conduct under color of state law. *Lugar*, 457 US at 930, 937. Private misuse of state procedures does not, without more, establish conduct attributable to the state. *Id*. at 940-941. Plaintiff's allegation that defendants filed a false motion to avoid default does not itself establish either requirement, and the alleged assistance from a court employee does not cure the defects addressed in Part B.

Accordingly, the motion's alleged falsity, considered together with defendants' alleged notice of the underlying action, does not establish an independent basis for relief under the theories plaintiff advances. We therefore need not determine whether service was proper or whether defendants knowingly made false statements in their motion. Whether the motion warranted denial or sanctions in the underlying proceeding does not determine whether plaintiff stated a viable claim in this separate action.

D. RESPONDEAT SUPERIOR

Plaintiff finally contends that the law-office defendants may be held liable for Greenfelder's and Ferweda's alleged misconduct because the attorneys acted in furtherance of the law office's business. He relies on the doctrine of respondeat superior to attribute that conduct to their employer. The argument does not hold water. It does not warrant reversal of the trial court.

Under Michigan law, an employer may be held vicariously liable for an employee's tort committed within the scope of employment. See *Zsigo v Hurley Med Ctr*, 475 Mich 215, 221; 716 NW2d 220 (2006). But respondeat superior provides a basis for attributing liability for an underlying wrong; it does not independently make the employee's conduct actionable. As our Supreme Court explained in the negligence context, vicarious liability "rests on the imputation of the negligence of an agent to a principal." *Al-Shimmari v Detroit Med Ctr*, 477 Mich 280, 294; 731 NW2d 29 (2007). Even assuming the employment relationships alleged and that the attorneys acted within the scope of their employment, plaintiff has not stated an actionable underlying claim under the theories addressed in Parts B and C. Accordingly, there is no liability under those theories to impute to the law-office defendants.

Moreover, "[a] defendant cannot be held liable under section 1983 on a respondeat superior or vicarious liability basis." *Street v Corrections Corp of America*, 102 F3d 810, 818 (CA 6, 1996) (quotation marks and citation omitted). That restriction extends to private corporate defendants that otherwise act under color of state law. *Id*. Accordingly, even if plaintiff had stated an actionable constitutional claim against Greenfelder or Ferweda, their employment would not itself establish liability under § 1983 against the corporate law-office defendants. Whether any defendant may incur direct or vicarious liability in plaintiff's separate assault-and-battery action is not before us.

Affirmed.[3]

/s/ Michael J. Kelly
/s/ Michael J. Riordan
/s/ Michelle M. Rick

[3] We caution plaintiff against pursuing appeals that lack a reasonable basis for believing a meritorious issue exists. Under MCR 7.216(C)(1), this Court may impose sanctions for vexatious appellate proceedings, including appeals pursued without a reasonable basis for believing they present meritorious issues. Further, habitual and persistent vexatious conduct without reasonable cause may warrant restrictions on future filings. MCR 7.216(C)(3).