

STATE OF MICHIGAN  
COURT OF APPEALS

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FRED GUTWEIN & SONS, INC.,

Plaintiff-Appellee,

v

MICHIGAN AGRICULTURAL COMMODITIES,  
INC.,

Defendant-Appellant.

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UNPUBLISHED  
September 8, 1998

No. 201211  
Newaygo Circuit Court  
LC No. 96-016018 CZ

Before: Holbrook, Jr., P.J., and Wahls and Cavanagh, JJ.

MEMORANDUM.

Defendant appeals as of right from the grant of summary disposition in favor of plaintiff in plaintiff's breach of contract action. We affirm.

Defendant failed to carry its burden of demonstrating the existence of an issue of material fact because defendant failed to supply the trial court with any documentation supportive of its position to consider when determining the merits of plaintiff's motion. *Skinner v Square D Co*, 445 Mich 153, 160; 516 NW2d 475 (1994). Moreover, because defendant supplied its supporting documentation in an untimely manner in conjunction with a motion for reconsideration, the trial court was not obliged to consider the documentation. We will not rely on this documentation to upset the grant of summary disposition. *Apfelblat v National Bank Wyandotte-Taylor*, 158 Mich App 258, 263; 404 NW2d 725 (1987). MCR 2.116(G)(3)(b) was satisfied by plaintiff's reliance on defendant's admissions and the dealership agreement.

Affirmed.

/s/ Donald E. Holbrook, Jr.  
/s/ Myron H. Wahls  
/s/ Mark J. Cavanagh