

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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DEBORAH SMILEY,

Plaintiff-Appellant,

v

DETROIT TIGERS BASEBALL CLUB,

Defendant-Appellee.

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UNPUBLISHED  
November 6, 2001

No. 224507  
Wayne Circuit Court  
LC No. 99-919042-NO

Before: Whitbeck, P.J., and Neff and Hoekstra, JJ.

PER CURIAM.

Plaintiff appeals as of right the trial court's order granting defendant's motion for summary disposition and dismissing the case for insufficient service. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On June 18, 1999, plaintiff filed suit alleging that on June 20, 1996, she fell at Tiger Stadium and sustained injuries. On September 17, 1999, the date the summons to the complaint was to expire, plaintiff's process server attempted to serve the summons and complaint at defendant's offices on Woodward Avenue. The process server was told that the proper location for service was defendant's offices at Tiger Stadium on Trumbull Avenue. The process server went to that location and left the summons and complaint with a security guard.

Defendant moved for summary disposition pursuant to MCR 2.116(C)(1), (2), and (3), arguing that the trial court lacked jurisdiction because the "Detroit Tigers Baseball Club" was a non-existent entity,<sup>1</sup> that the process issued was insufficient, and that service of process was insufficient. In response, plaintiff asserted that her counsel was told by Kathy Nemecek, whom counsel understood to be an employee of the Tigers, that service was sufficient. The trial court

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<sup>1</sup> Defendant stated that the proper name of the baseball organization is "Detroit Tigers, Inc." The trial court docket entries reflect that on October 25, 1999, plaintiff filed a first amended complaint naming "Detroit Tigers, Inc." as the defendant. The trial court docket entries do not reflect that plaintiff received leave of the court to file the amended complaint, or that defendant consented to the amendment. MCR 2.118(A)(2). The trial court's order granting summary disposition pertained only to the complaint naming "Detroit Tigers Baseball Club" as the defendant.

granted defendant's motion on the ground that service of process was insufficient. MCR 2.116(C)(3).

We review a trial court's decision on a motion for summary disposition de novo. *Harrison v Olde Financial Corp*, 225 Mich App 601, 605; 572 NW2d 679 (1997).

MCR 2.105(D) deals with service of process on a domestic or foreign corporation, and provides, in relevant part, that service may be made by:

(1) serving a summons and a copy of the complaint on an officer or the registered agent;

(2) serving a summons and a copy of the complaint on a director, trustee, or person in charge of an office or business establishment of the corporation and sending a summons and a copy of the complaint by registered mail, addressed to the principal office of the corporation;

Plaintiff argues that the trial court erred in granting defendant's motion for summary disposition. We disagree and affirm. Plaintiff's process server left the summons and complaint with a security guard at defendant's offices on Trumbull Avenue. This attempt at service of process did not satisfy the requirements of MCR 2.105(D)(1) or (2). Furthermore, plaintiff has not established that Kathy Nemecek, who was identified as an employee of Little Caesar's, Inc. at the hearing on defendant's motion for summary disposition, was connected with defendant in such a way that her knowledge of the existence of the action would preclude dismissal for improper service. MCR 2.105(J)(3) does not excuse a failure of service. Summary disposition was properly granted.

Affirmed.

/s/ William C. Whitbeck

/s/ Janet T. Neff

/s/ Joel P. Hoekstra