

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

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ERNEST LEACH and NANCY LEACH,

Plaintiffs-Counter Defendants-  
Appellants,

v

PONTIAC POLICE DEPARTMENT and  
COMMUNITY DEVELOPMENT FOR THE  
CITY OF PONTIAC,

Defendants-Appellees,

and

CITY OF PONTIAC,

Defendant-Counter Plaintiff-  
Appellee.

UNPUBLISHED  
February 17, 2004

No. 243682  
Oakland Circuit Court  
LC No. 01-031422-CZ

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Before: Schuette, P.J., and Meter and Owens, JJ.

MEMORANDUM.

Plaintiffs appeal as of right the order granting defendants' motion for summary disposition under MCR 2.116(C)(10). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiffs filed a complaint alleging trespass and violation of civil rights, based on defendants' attempts to enforce zoning ordinance and building code provisions. Defendant city filed a counter complaint seeking to order plaintiffs' compliance with the ordinance and code. The trial court dismissed plaintiffs' complaint without prejudice after plaintiffs failed to comply with an order to file an amended complaint, and it granted summary disposition on the counter complaint.

Plaintiffs failed to preserve their argument that their civil rights were violated. Indeed, plaintiffs failed to file an amended complaint as ordered by the trial court, the trial court therefore made no ruling on the merits of plaintiffs' complaint, and plaintiffs make no argument that the court erred in dismissing their case without prejudice after their failure to amend the complaint. Therefore, the civil rights issue is not preserved, and we will not address it. *Fast Air*,

*Inc v Knight*, 235 Mich App 541, 549; 599 NW2d 489 (1999). Essentially, the court never was asked to rule on the merits of plaintiffs' complaint, and the civil rights issue therefore is not properly before this Court.

The trial court did rule on the motion for summary disposition on the counter complaint. However, at the motion hearing, plaintiffs expressed their willingness to clean up the property and asked for more time for the cleanup. In doing so, plaintiffs essentially did not dispute the existence of code or ordinance violations. Plaintiffs simply have not raised an issue that can be addressed by the appellate court. *Id.* Moreover, plaintiffs' briefing with regard to the grant of summary disposition is woefully inadequate, and thus they have waived any objections to the ruling. *Goolsby v Detroit*, 419 Mich 651, 655; 358 NW2d 856 (1984). At any rate, plaintiffs have failed to show that the court erred in granting summary disposition.

Affirmed.

/s/ Bill Schuette  
/s/ Patrick M. Meter  
/s/ Donald S. Owens