

STATE OF MICHIGAN
COURT OF APPEALS

CLIFFORD BROOKINS II,

Plaintiff-Appellant,

v

OCWEN FEDERAL BANK, F.S.B., and
LASALLE BANK NATIONAL ASSOCIATION,

Defendants-Appellees,

and

TROTT & TROTT, P.C.,

Defendant.

UNPUBLISHED

June 3, 2008

No. 277951

Wayne Circuit Court

LC No. 06-631905-CH

Before: Davis, P.J., and Murray and Beckering, JJ.

MEMORANDUM.

Plaintiff, acting in propria persona, appeals as of right from a circuit court order that purported to grant “plaintiff’s” motion for summary disposition, but which the trial court subsequently amended to correctly indicate that summary disposition was granted in favor of “defendants,” consistent with the trial court’s decision on the record. We affirm.

Plaintiff argues that he was denied due process by the trial court granting summary disposition in favor of defendants. This Court reviews a trial court’s decision on a motion for summary disposition de novo. *Maiden v Rozwood*, 461 Mich 109, 118; 597 NW2d 817 (1999). Constitutional issues are reviewed de novo as questions of law. *Kampf v Kampf*, 237 Mich App 377, 381; 603 NW2d 295 (1999).

Contrary to plaintiff’s apparent belief, the right to due process does not guarantee a trial. “The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.” *Enci v Jackson*, 173 Mich App 30, 35; 433 NW2d 313 (1988) (citation omitted). “The opportunity to be heard does not require a full trial-like proceeding, but requires a hearing to the extent that a party has a chance to know and respond to the evidence.” *Klco v Dynamic Training Corp*, 192 Mich App 39, 42; 480 NW2d 596 (1991). Plaintiff does not suggest that he lacked notice of defendants’ motion, was denied an opportunity to respond to the motion, or that either defendants or the trial court failed to comply with the court rules governing

motions for summary disposition, which are designed to afford plaintiff due process. Thus, plaintiff has not shown that his right to due process was violated.

To the extent plaintiff asserts that the trial court lacked the authority to amend the original summary disposition order, MCR 2.612(A)(1) authorized the trial court to correct clerical errors in the order before the claim of appeal was filed. The amended order was issued on the same day that plaintiff filed his claim of appeal. Although MCR 7.208(A) and (C) limits a trial court's authority to amend the order appealed from once a claim of appeal is filed, there is no indication in the record that the claim of appeal was filed before the trial court amended the original order. Even if the claim of appeal was filed first, however, this Court may permit amendments or corrections to the record at any time upon terms it deems just. MCR 7.216(A)(4). Thus, to the extent that the trial court may have technically lacked jurisdiction to amend its original order because a claim of appeal had already been filed, and because it is undisputed that the trial court granted summary disposition in favor of defendants, we exercise our authority pursuant to MCR 7.216(A)(4) to permit the amendment clarifying that summary disposition was granted in favor of defendants.

Affirmed.

/s/ Alton T. Davis
/s/ Christopher M. Murray
/s/ Jane M. Beckering