STATE OF MICHIGAN

COURT OF APPEALS

MICHAEL SCHILS,

Plaintiff-Appellant,

v

DEPARTMENT OF LABOR & ECONOMIC GROWTH,

Defendant-Appellee.

UNPUBLISHED
June 17, 2008

Nos. 272650 & 273804
Washtenaw Circuit Court
LC No. 06-000378-CZ

Before: Bandstra, PJ, and Talbot and Schuette, JJ.

PER CURIAM.

In this consolidated appeal[1], plaintiff appeals as of right the trial court's orders, which consolidated and dismissed plaintiff's three cases regarding his Freedom of Information Act (FOIA) requests, MCL 15.231 *et seq*., and the subsequent award of attorney fees and costs to defendant. We affirm.

Initially, we note that plaintiff's appellate brief fails to provide citation to any relevant authority in support of his arguments and, thus, does not conform to the requirements of MCR 7.212(C)(7).[2] "It is not enough for an appellant to simply announce a position or assert an error in his or her brief and then leave it up to this Court to discover and rationalize the basis for the claims, or unravel and elaborate the appellant's arguments, and then search for authority either to sustain or reject the appellant's position." *DeGeorge v Warheit*, 276 Mich App 587, 594-595; 741 NW2d 384 (2007) (citation omitted). While we typically afford a degree of leniency to litigants engaged in self representation, plaintiff's "[a]ppearance in pro per does not excuse all application of court rules." *Bachor v Detroit*, 49 Mich App 507, 512; 212 NW2d 302 (1973). Although plaintiff's failure to cite to supporting legal authority for his position technically constitutes an abandonment of his issues on appeal, *Berger v Berger*, 277 Mich App 700, 715;

[1] *Schils v Dep't of Labor & Economic Growth*, unpublished order of the Court of Appeals, entered November 20, 2006 (Docket Nos. 272650 and 273804).

[2] Plaintiff's appellate brief merely references two court rules but fails to expound or discuss the content of either court rule or their application to the facts or their relationship to the claims of error asserted in this appeal.

747 NW2d 336 (2008), we nevertheless provide the following discussion to explain our determination regarding the lack of merit to plaintiff's claims.

Plaintiff first argues that the trial court lacked jurisdiction to consolidate and dismiss his cases. A trial court's consolidation of cases for trial is reviewed for an abuse of discretion. *Papcum v L R Jacobs Constr Co*, 95 Mich App 746, 749; 291 NW2d 191 (1980).

Chief Judge Archie C. Brown reassigned plaintiff's cases, numbers 06-000378-CZ and 06-000387-CZ, to Judge David Scott Swartz. Plaintiff's third lower court case, number 06-000515-CZ, was originally assigned to Judge Swartz. During a motion hearing, Judge Swartz initially indicated his intention to return cases 06-000378-CZ and 06-000387-CZ to the originally assigned judges. Plaintiff asserts that once the trial judge verbally indicated he would return the cases to the judges originally assigned, jurisdiction over those cases was lost and the trial judge lacked authority to subsequently consolidate and dismiss the actions. While the verbal statements of Judge Swartz and the resulting order do indicate rescission of the reassignment orders, this did not preclude the trial court from consolidating the cases. MCR 2.505 provides, in pertinent part:

> (A) **Consolidation.** When actions involving a substantial and controlling common question of law or fact are pending before the court, it may
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> (1) order a joint hearing or trial of any or all of the matters in issue in the actions;
>
> (2) order the actions consolidated; and
>
> (3) enter orders concerning the proceedings to avoid unnecessary costs or delay.

Based on the trial court's determination and the indication that both parties acknowledged the various lawsuits all involved the same issues of law, the trial court was within its authority to consolidate the actions. In addition, for purposes of judicial economy, the trial court acted properly because given the ultimate disposition of plaintiff's claims it would have constituted a waste of time and monies to proceed with reassignment of the cases.

Plaintiff next argues that the order dismissing case number 06-00515-CZ was deficient because it did not state a valid reason for the dismissal. Plaintiff acknowledges that the other cases were dismissed based on defendant's assertion of an affirmative defense regarding the applicable statute of limitations. However, plaintiff contends this defense was not raised in defendant's response to his complaint in case 06-000515-CZ. The grant of a motion for summary disposition under either MCR 2.116(C)(7) or (C)(8) is reviewed de novo. *Grimes v MDOT*, 475 Mich 72, 76; 715 NW2d 275 (2006); *Feyz v Mercy Mem Hosp*, 475 Mich 663, 672; 719 NW2d 1 (2006). "In reviewing a motion under MCR 2.116(C)(10), this Court considers the pleadings, admissions, affidavits, and other relevant documentary evidence of record in the light most favorable to the nonmoving party to determine whether any genuine issue of material fact exists to warrant a trial." *Walsh v Taylor,* 263 Mich App 618, 621; 689 NW2d 506 (2004).

Contrary to plaintiff's assertion, the order dismissing the consolidated actions is sufficient as it references and incorporates the reasoning of the trial court at the hearing conducted July 12, 2006. The trial court indicated that two of the cases, comprising lower court numbers 06-

000378-CZ and 06-000387-CZ, were barred by the applicable statute of limitations, which was raised by defendant as an affirmative defense.[3] With regard to the third case, lower court case number 06-000515-CZ, the trial court concurred with defendant's counsel, based on the presentation of documentary evidence and because it was undisputed that the materials or information requested by plaintiff from defendant had been provided "that reasonable minds would not differ that they [defendant] are entitled to judgment as a matter of law, and that the case would be dismissed on that . . . basis," pursuant to MCR 2.116(C)(8) and (C)(10). As such, the trial court's order fully complied with the requirements of MCR 2.517(A)(3).[4]

Finally, plaintiff contends that the trial court lacked a sufficient basis to impose sanctions and award attorney fees and costs to defendant. Plaintiff further contends the trial court's award was improper because it was imposed solely to intimidate plaintiff into dismissing his claims. Because plaintiff failed to file a transcript of the relevant proceedings with his appeal, our review of this issue is precluded. MCR 7.210(B)(1)(a); *Meyers v Jarnac*, 189 Mich App 436, 444; 474 NW2d 302 (1991).

Affirmed.

/s/ Richard A. Bandstra
/s/ Michael J. Talbot
/s/ Bill Schuette

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[3] With regard to case no. 06-000387-CZ, the trial court noted "the only portion of that that was – that survived the 180-day rule was some information which again is uncontroverted that the Defendant received." Pursuant to MCR 2.116(C)(8) and (C)(10), the trial court found that "reasonable minds could not differ, that there is no cause of action with regard to that."

[4] MCR 2.517(A)(3) provides: "The court may state the findings and conclusions on the record or include them in a written opinion." The court's elucidation of its findings of fact and conclusions of law is deemed "unnecessary in decisions on motions." MCR 2.517(A)(4).