

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BIO-BEHAVIORAL CARE SOLUTIONS, INC.,
A Michigan limited liability company,

Plaintiff/Counter-Defendant,

v.

Case No. 14-14123

DOCTORS BEHAVIORAL HOSPITAL, LLC.,
d/b/a Doctors Neuropsychiatric Hospital,
an Indiana limited liability company,

HON. AVERN COHN

Defendant/Counter-Plaintiff.

**ORDER DENYING PLAINTIFF/COUNTER-DEFENDANT'S RENEWED MOTION FOR
SUMMARY JUDGMENT (Doc. 51)**

This is a contract case. Plaintiff/Counter-Defendant Bio-Behavioral Care Solutions, LLC is suing defendant/counter-plaintiff Doctors Behavioral Hospital, LLC claiming that defendant breached a contract (Marketing Agreement) between the parties. In broad terms, plaintiff performs marketing services for hospitals which it says results in hospitals obtaining business relationships with long term care facilities that use the services offered by the hospitals. Defendant, a hospital in Indiana, was interested in building relationships with nursing homes and assisted care facilities in Western Michigan. In early 2013, defendant and plaintiff entered in a Marketing Agreement under which plaintiff agreed to provide management and consulting services to defendant. Plaintiff says that it provided the required services under the Marketing Agreement and defendant has refused to pay. Defendant says that plaintiff breached the Marketing Agreement by failing to fulfill its obligations, i.e. it did not perform the

marketing and consulting services. Both sides seek money damages.

Before the Court is plaintiff's renewed motion for summary judgment (Doc. 51) contending that there is no genuine issue of material fact that defendant has breached the Marketing Agreement. The Court has reviewed the motion papers and supplemental filings. The Court is satisfied that the record contains factual disputes as to whether plaintiff provided the services under the Marketing Agreement and whether the Marketing Agreement was properly terminated. Accordingly, the motion is DENIED.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: 4/11/2018
Detroit, Michigan