

STATE OF MICHIGAN
COURT OF APPEALS

LEASE ACCEPTANCE CORPORATION,

Plaintiff-Appellee,

v

SCOTT ADAMS,

Defendant,

and

JAVIER ALCARAZ, BRIAN AUBUCHON,
JOSEPH AUBUCHON, DARLENE BALLEW,
TRACIE BALLEW, ADAM BOYD, SHAWN
FARIA and DUANE JOHNSON,

Defendants-Appellants.

LEASE ACCEPTANCE CORPORATION,

Plaintiff-Appellant,

v

VINSON ABELL, HEATHER BAKKER,
DARRIN TALL and SHERRI TALL,

Defendants,

and

FOR PUBLICATION

August 31, 2006

No. 255487

Oakland Circuit Court

LC No. 04-056036-CK

No. 256582

Oakland Circuit Court

LC No. 04-056034-CK

ANDREW ASMAN, JAMES HUMENIK, MAI VI
HOANG, ALAN B. THOMPSON, TUAN V. VO,
ARNOLD WILSON, ELIZABETH WILSON,
MARC BELL, JAMES RAY FACKLER, ANITA
ROZZI, JAMES E. ROZZI and ENEAS O.
SOUZA,

Defendants-Appellees.

Before: Murray, P.J., and Cavanagh and Talbot, JJ.

CAVANAGH, J. (*concurring*).

I concur with the majority opinion in all respects but would emphasize that in determining whether Michigan is a reasonably convenient place for the trial, the trial court should only use the forum non conveniens analysis as a useful guide and not as a conclusive framework to determine what is “reasonably convenient.” See *Cray v General Motors Corp*, 389 Mich 382, 395-396; 207 NW2d 393 (1973). Significant to bear in mind with regard to the differences in the analyses are that: (1) the forum non conveniens doctrine is a common-law discretionary doctrine, not a statutory directive; (2) MCL 600.745(2) applies in instances where the parties agreed by contract to submit any disputes to this state’s jurisdiction while the forum non conveniens doctrine applies in instances where the plaintiff unilaterally selected the forum; (3) when the forum non conveniens doctrine is applicable two jurisdictions are available, that may not be true in instances where MCL 600.745(2) is applicable, and (4) the standard to consider in a forum non conveniens analysis is whether the forum is inconvenient but the standard under MCL 600.745(2) is whether the forum is “reasonably convenient,” an arguably less burdensome standard.

/s/ Mark J. Cavanagh