

STATE OF MICHIGAN  
COURT OF APPEALS

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MARVIN A. HAUPT,

Plaintiff/Counterdefendant-  
Appellant,

v

HERITAGE INVESTMENT CO. and  
CHARLES D.G. WICKINS,

Defendants/Counterplaintiffs-  
Appellees.

UNPUBLISHED

July 24, 1998

No. 188671

Wayne Circuit Court

LC No. 93-320151 CK

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Before: Sawyer, P.J., and Kelly and Smolenski, JJ.

MEMORANDUM.

Plaintiff's complaint alleging breach of contract and defendants' countersuit for contribution arising from nonpayment of a promissory note were scheduled for trial in May, 1995. Because plaintiff's attorney failed to appear on the date that the trial was scheduled to begin, the court entered an order dismissing plaintiff's complaint with prejudice and granting a default judgment to defendants on their counterclaim. Plaintiff appeals as of right from the subsequent order denying his motion to set aside the dismissal and default judgment. We affirm.

In his brief on appeal, plaintiff has not addressed the basis of the trial court's decisions granting a default judgment, dismissing plaintiff's complaint, and refusing to set aside either one of those rulings. Therefore, this Court need not even consider granting plaintiff the relief he seeks. *Joerger v Gordon Food Service, Inc*, 224 Mich App 167, 175; 568 NW2d 365 (1997); *Roberts & Son Contracting, Inc v North Oakland Development Corp*, 163 Mich App 109, 113; 413 NW2d 744 (1987). Moreover, plaintiff has not provided to this Court, transcripts from the May 17, 1995, hearing and has failed to demonstrate diligence in attempting to comply with the requirements of MCR 7.210(B). This Court will refuse to consider issues for which the appellant failed to produce the transcript. *Myers v Jarnac*, 189 Mich App 436, 444; 474 NW2d 302 (1991). Under the circumstances, plaintiff has failed to perfect and present the issues for appellate review.

Affirmed.

/s/ David H. Sawyer

/s/ Michael J. Kelly

/s/ Michael R. Smolenski