

STATE OF MICHIGAN  
COURT OF APPEALS

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M. D. CONSTRUCTION, INC.,

Plaintiff-Appellee,

v

DENNIS WHITE,

Defendant-Appellant,

and

CITY OF DETROIT, WAYNE COUNTY,  
MICHIGAN DEPARTMENT OF TREASURY, and  
INTERNAL REVENUE SERVICES,

Defendants.

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UNPUBLISHED

November 12, 1999

No. No. 209646

Wayne Circuit Court

LC No. 96-645080 CK

Before: Cavanagh, P.J., and Doctoroff and O'Connell, JJ.

PER CURIAM.

Defendant appeals as of right from a default judgment in favor of plaintiff in this action for breach of contract. We affirm.

Defendant argues that the trial court erred in denying his motion to set aside the default judgment. The ruling on a motion to set aside a default judgment is entrusted to the discretion of the trial court. Unless there has been a clear abuse of discretion, the trial court's ruling will not be set aside. *Alken-Ziegler, Inc v Waterbury Headers Corp*, \_\_\_ Mich \_\_\_, \_\_\_; \_\_\_ NW2d \_\_\_ (Docket No. 111783, issued 10/12/99), slip op pp 7-8. An abuse of discretion involves more than a difference in judicial opinion. Such an abuse exists only when the result is so palpably and grossly violative of fact and logic that it evidences perversity of will, the defiance of judgment, or the exercise of passion or bias rather than the exercise of discretion. *Id.* at 8.

Pursuant to MCR 2.603(D)(1), a party seeking to set aside a default judgment must show good cause and file an affidavit of facts showing a meritorious defense. For the purpose of applying MCR

2.603(D), good cause means (1) a substantial defect or irregularity in the proceedings on which the default is based; (2) a reasonable excuse for the failure to comply with the requirements that created the default; or (3) some other reason showing that manifest injustice would result if the default were allowed to stand. *Huggins v MIC General Ins Corp*, 228 Mich App 84, 87; 578 NW2d 326 (1998).

Defendant contends that the fact that he did not have notice of either his attorney's withdrawal as counsel or the correct trial date constitute good cause for setting aside the default judgment. We disagree. The trial court entered the default judgment because defendant and his new counsel were present on the trial date but left without explanation before proceedings began. The failure of an attorney or a defendant to appear for a scheduled trial is a sufficient ground for the entry of a default judgment. See MCR 2.603(B)(1)(d); *Comstock Construction Co v LHG Investment Co*, 126 Mich App 408, 411; 337 NW2d 82 (1983). Defendant has proffered no reason for his failure to appear at trial. Under the circumstances, we cannot conclude that the trial court abused its discretion.

Affirmed.

/s/ Mark J. Cavanagh  
/s/ Martin M. Doctoroff  
/s/ Peter D. O'Connell