

STATE OF MICHIGAN
COURT OF APPEALS

RAY STORAI,

Plaintiff-Appellant,

v

FRANCIS BIERKOVEN and LYNN C.
WOLENSKI,

Defendants,

and

METRO TITLE CORPORATION, MORTGAGE
SOURCES, INC., d/b/a EQUISOURCE HOME
CREDIT, INC., and MICHAEL E. CAULEY,

Defendants-Appellees.

UNPUBLISHED

December 26, 2000

Nos. 217404;222580

Oakland Circuit Court

LC No. 96-528768-CK

Before: Griffin, P.J., and Holbrook, Jr., and Murphy, JJ.

PER CURIAM.

In these consolidated appeals, plaintiff challenges the circuit court's judgment of no cause of action in favor of defendants Metro Title Corporation, Mortgage Sources, Inc., and Michael Cauley (hereinafter defendants),¹ and the court's postjudgment orders granting those same defendants costs and attorney fees as sanctions pursuant to MCR 2.114. The circuit court granted defendants a directed verdict following plaintiff's proofs at a bench trial. Defendants moved for sanctions pursuant to MCR 2.114(F), which the circuit court granted. Defendants MSI and Cauley were awarded costs and attorney fees of \$42,838.73, and defendant Metro Title costs and fees of \$14,563.66. We affirm.

The circuit court did not err by directing a verdict for defendants. Plaintiff's own testimony established that Bierkoven was acting as plaintiff's agent during the complained-of

¹ The remaining defendants, Francis Bierkoven and Lynn C. Wolenski, are not involved in this appeal.

transactions and that Bierkoven's actions fell within the scope of his actual or apparent authority. See *Meretta v Peach*, 195 Mich App 695, 698-699; 491 NW2d 278 (1992). The evidence against defendants merely showed that they acted in accordance with the directions provided by plaintiff's agent, Bierkoven. Accordingly, a new trial is not warranted.

Finally, the record shows that there was no factual or legal basis to support plaintiff's claims against defendants. Thus, the circuit court did not clearly err by finding plaintiff's claims to be frivolous under MCL 600.2591(3)(a); MSA 27A.2591(3)(a), and awarding sanctions pursuant to that statute and MCR 2.114(F). *Meagher v Wayne State Univ*, 222 Mich App 700, 727; 565 NW2d 401 (1997).

Affirmed.

/s/ Richard Allen Griffin
/s/ Donald E. Holbrook, Jr.
/s/ William B. Murphy