

STATE OF MICHIGAN
COURT OF APPEALS

CHERYL I. WEIBEL,

Plaintiff-Appellant,

v

CENTER FOR YOGA RELAXATION AND
HEALTH, JOHN KEST, a/k/a JONNY KEST, and
MILLA KEST,

Defendants-Appellees.

UNPUBLISHED

April 23, 2002

No. 229493

Oakland Circuit Court

LC No. 99-019446-CK

Before: Gage, P.J., and Griffin and Buth*, JJ.

MEMORANDUM.

Plaintiff appeals as of right from the circuit court's dismissal of her claims against defendants. Defendants moved for summary disposition pursuant to MCR 2.116(C)(8) and (10), which the circuit court granted. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff's fraud claims were based on the alleged breach of a promise to hire her as a yoga teacher after she completed her classes. Such a breach of future promise, without any misrepresentation of past or present fact, cannot form the basis of an action for fraud. *Marrero v McDonnell Douglas Capital Corp*, 200 Mich App 438, 444; 505 NW2d 275 (1993). The circuit court properly dismissed those claims under MCR 2.116(C)(8).

To avoid summary disposition under MCR 2.116(C)(10) the party opposing the motion must show, via affidavit or documentary evidence, that a genuine issue of fact exists for trial. *Smith v Globe Life Ins Co*, 460 Mich 446, 454-455, 455-456 n 2; 597 NW2d 28 (1999); MCR 2.116(G)(4). Plaintiff presented no documentary evidence or affidavits contradicting the affidavit presented in support of defendants' motion for summary disposition brought under MCR 2.116(C)(10). The circuit court did not err by summarily dismissing plaintiff's claims under MCR 2.116(C)(10).

Plaintiff has abandoned her remaining claims of error by failing to adequately argue them or cite any legal authority in support of these arguments. *People v Davis*, 241 Mich App 697, 700; 617 NW2d 381 (2000).

* Circuit judge, sitting on the Court of Appeals by assignment.

Affirmed.

/s/ Hilda R. Gage
/s/ Richard Allen Griffin
/s/ George S. Buth