

STATE OF MICHIGAN
COURT OF APPEALS

MAHMOUD AL-HADIDI, M.D.,

Plaintiff-Appellant,

v

KEITH M. STEVENS, D.O., RICHARD
HERBERT, D.O., PULMONARY & CRITICAL
CARE, and WILLIAM BEAUMONT
HOSPITAL-TROY,

Defendants-Appellees.

UNPUBLISHED

July 26, 2002

No. 229451

Oakland Circuit Court

LC No. 00-022227-NZ

Before: Gage, P.J., and Cavanagh and Wilder, JJ.

MEMORANDUM.

Plaintiff appeals as of right from the circuit court's order granting defendants summary disposition pursuant to MCR 2.116(C)(4). We affirm.

We review de novo the circuit court's summary disposition ruling. *Spiek v Dep't of Transportation*, 456 Mich 331, 337; 572 NW2d 201 (1998). The record indicates that in granting summary disposition, the circuit court relied on the principle of nonreviewability of private hospitals' staffing decisions, which is set forth in *Hoffman v Garden City Hospital-Osteopathic*, 115 Mich App 773; 321 NW2d 810 (1982), and its progeny.

Plaintiff argues on appeal that because the instant case involves malice, the circuit court erred in determining that MCL 331.531 provided immunity against his claims. Plaintiff's argument is misplaced, however, because the circuit court did not base its decision on the immunity conferred by MCL 331.531. That statute's malicious conduct exception to immunity had no bearing on the circuit court's decision. Furthermore, neither *Hoffman* nor its progeny suggest that allegations of malice in violation of MCL 331.531 affect the analysis whether claims relating to staffing decisions are subject to judicial review. Because plaintiff fails to address the basis for the circuit court's decision, we conclude that appellate relief is not warranted. *Roberts*

& Son Contracting, Inc v North Oakland Development Corp, 163 Mich App 109, 113; 413 NW2d 744 (1987).¹

Affirmed.

/s/ Hilda R. Gage
/s/ Mark J. Cavanagh
/s/ Kurtis T. Wilder

¹ To the extent that plaintiff suggested in his brief on appeal that the circuit court had jurisdiction over this case because defendants violated federal statutory procedure governing professional review actions, we note that plaintiff's complaint alleged no specific statutory violations whatsoever and that plaintiff failed to provide any controlling authority supporting his position. See *Sherman v Sea Ray Boats, Inc*, ___ Mich App ___; ___ NW2d ___ (Docket No. 227450, issued 4/26/02), slip op. at 9 (explaining that a party may not leave it to this Court to search for authority to sustain or reject its position).