

STATE OF MICHIGAN
COURT OF APPEALS

BAKERY EQUIPMENT/DESIGN LTD.,

Plaintiff/Counterdefendant/Third-
Party Plaintiff,

V

SUNRISE BAKERS L.L.C.,

Defendant/Counterplaintiff-
Appellant,

and

TECNOFAST CARIN S.P.A.,

Third-Party Defendant-Appellee.

UNPUBLISHED
September 13, 2002

No. 227575
Kent Circuit Court
LC No. 97-013289-CZ

Before: Neff, P.J., and White and Owens, JJ.

OWENS, J. (*concurring*).

Based on the facts cited by the majority in its discussion of the third prong of the due process test, I respectfully disagree with the majority's conclusion that third-party defendant Tecnopast's conduct amounted to the "transaction of any business within the state" sufficient to satisfy the requirements of Michigan's long-arm statute. Based on the same facts, I also disagree that the first and second prongs of the due process test have been satisfied; that is, that Tecnopast purposefully availed itself of the privilege of conducting business activities in Michigan and that the cause of action arose from business activities conducted by Tecnopast in the state. However, I concur with the majority's reasoning regarding the third prong of the due process test and its conclusion that the trial court correctly dismissed all claims against Tecnopast based on a lack of personal jurisdiction.

/s/ Donald S. Owens