STATE OF MICHIGAN

COURT OF APPEALS

TD AUTO FINANCE, LLC, Plaintiff-Appellant,	UNPUBLISHED January 23, 2018
v	No. 335269 Court of Claims
STATE TREASURER, STATE OF MICHIGAN, and DEPARTMENT OF TREASURY, Defendants-Appellees.	LC No. 14-000182-MT

Before: MURPHY, P.J., and SAWYER and BECKERING, JJ.

PER CURIAM.

In this dispute involving previously-paid sales tax attributable to unpaid balances on defaulted motor vehicle loans and construction of MCL 205.54i, which pertains to "bad debt" deductions, plaintiff appeals as of right the order issued by the Court of Claims granting summary disposition in favor of defendants. While MCL 205.54i(4) provides that "[a]ny claim for a bad debt deduction under this section shall be supported by that evidence required by the department," plaintiff argues that the Department of Treasury improperly demanded submission of RD-108 forms in support of plaintiff's multiple claims for bad debt deductions. And while MCL 205.54i(1) provides that a "bad debt" does not include "repossessed property," plaintiff contends that it is entitled to a bad debt deduction relative to repossessed vehicles, where outstanding amounts remained on accounts after sale at auction. We affirm.

The Court of Claims granted summary disposition on the basis of this Court's opinion in *Ally Fin, Inc v State Treasurer*, 317 Mich App 316; 894 NW2d 673 (2016), wherein the Court specifically addressed and rejected the very same arguments posed by plaintiff in the instant lawsuit. On appeal, plaintiff states that while it "recognizes that this Court is bound by the *Ally Fin*[] decision pursuant to MCR 7.215(C)(2), [plaintiff] respectfully requests that this Court certify its disagreement with the prior panel's reasoning in the *Ally Fin*[] case, pursuant to MCR 7.215(J)(2)."[1] With respect to *Ally Fin*, our Supreme Court entered an order directing oral

[1] "A panel of the Court of Appeals must follow the rule of law established by a prior published decision of the Court of Appeals issued on or after November 1, 1990, that has not been reversed or modified by the Supreme Court, or by a special panel of the Court of Appeals as provided in

argument on whether it should grant the application for leave filed by the plaintiffs as to the issues concerning RD-108 forms and repossessed property. *Ally Fin, Inc v State Treasurer*, 500 Mich 1010 (2017). Oral argument was scheduled for January 10, 2018.

We affirm on the strength of this Court's decision in *Ally Fin* because it is binding precedent, and we decline to ask that a special panel be convened, given that, assuming we even disagreed with this Court's earlier decision, the procedural posture of *Ally Fin* is such that it would make little sense for us to entertain issuing a "conflict" opinion. If our Supreme Court decides to deny leave in *Ally Fin* after hearing oral argument in the case, it would strongly suggest that the Supreme Court did not find problematic the *Ally Fin* panel's interpretation of MCL 205.54i, making a challenge by us to the panel's opinion an exercise in futility. If the Supreme Court enters an order or issues an opinion in *Ally Fin* that alters, in whole or in part, this Court's opinion in the case, plaintiff here will have the ability, either through a motion for reconsideration filed with us or an application for leave to appeal filed in the Supreme Court, to seek appropriate relief.

Affirmed. Having fully prevailed on appeal, defendants are awarded taxable costs under MCR 7.219.

/s/ William B. Murphy
/s/ David H. Sawyer
/s/ Jane M. Beckering

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this rule." MCR 7.215(J)(1). And "[a] panel that follows a prior published decision only because it is required to do so by subrule (1) must so indicate in the text of its opinion, citing this rule and explaining its disagreement with the prior decision." MCR 7.215(J)(2).