

Court of Appeals, State of Michigan

ORDER

Phillip Glenn v TPI Petroleum Inc

Docket No. 305145

LC No. 10-014235-CE

Kurtis T. Wilder
Presiding Judge

Christopher M. Murray

Karen M. Fort Hood
Judges

The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court further orders that the June 28, 2011, order of the Wayne County Circuit Court, which denied the motion for summary disposition filed by defendant Valero Energy Corporation under MCR 2.116(C)(1), is VACATED. In ruling that it had specific (limited) personal jurisdiction under MCL 600.715, the trial court failed to determine if the exercise of jurisdiction was consistent with the requirements of the Due Process Clause of the Fourteenth Amendment. *Electrolines v Prudential Assurance*, 260 Mich App 144, 167; 677 NW2d 874 (2003). Therefore, the matter is REMANDED to the trial court to conduct the proper analysis. In addition, the trial court shall provide further explanation as to the facts upon which it was relying upon to exercise jurisdiction under MCL 600.715 and identify the particular subsection upon which it relied, where Valero Energy Corporation provided a covenant deed with respect to the property in Benton Harbor, which established the property was not owned by Valero Energy, and provided an affidavit establishing that Shay Wideman was not an employee or agent of Valero Energy. The trial court shall also explain its statement that the companies for whom Wideman was working "all trace back" to Valero Energy Corporation, and why it is imputing Wideman's actions to Valero Energy and/or disregarding the corporate entities, especially where the complaint does not assert a claim to pierce the corporate veil. See *Foodland Distributors v Al-Naimi*, 220 Mich App 453, 456; 559 NW2d 379 (1996).

The motion to file a reply brief is GRANTED.

The motion for stay is DENIED.

This order is to have immediate effect, MCR 7.215(F)(2), and the Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

OCT 07 2011

Date


Chief Clerk