STATE OF MICHIGAN

COURT OF APPEALS

RONALD W. EVASIC, Guardian of the Estate of ROBERT F. EVASIC,

Plaintiff-Appellee,

v

AMERICAN SAFETY EQUIPMENT EQUIPMENORPORATION, MARMON CORPORATION, and MARMON HOLDINGS, INC.,

Defendants-Appellants.

UNPUBLISHED

December 6, 1996

No. 179128
LC No. 90-384385

Before: O'Connell, P.J., and Gribbs and T. P. Pickard,* JJ.

PER CURIAM.

Defendants appeal the circuit court judgment of default in this case which arose out of an automobile accident. Plaintiff raised allegations, inter alia, concerning a defective safety restraint system. We affirm.

Defendants allege that the service of process upon which the default was based was invalid, and that the trial court abused its discretion in refusing to set aside the default. The trial court's decision regarding whether to set aside a default will not be disturbed on appeal absent an abuse of discretion. *Marposs Corp v Autocam Corp*, 183 Mich App 166, 171; 454 NW2d 194 (1990). A motion to set aside a default judgment, except when grounded on a lack of jurisdiction over the defendant, shall be granted only if good cause is shown and an affidavit of facts showing a meritorious defense is filed. MCR 2.603(D)(1). Here, the defendant corporations had undergone a series of mergers, dissolutions and name changes. Defendants had actual notice of the suit but failed to answer. Plaintiff's inability to discover the exact name of their corporation apparently caused defendants to conclude that service had been improper and need not be acknowledged. Defendants have failed to show either a substantial defect or irregularity in the proceedings upon which the default was based, or a reasonable excuse for

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

their failure to comply with the requirements that created the default. *Gavulic v Boyer*,195 Mich App 20, 24; 489 NW2d 124 (1992). The trial court did not abuse its discretion in denying defendants' motion to set aside the default.

Nor did the trial court err in denying defendants' motion for reconsideration. Defendants failed to show a palpable error by which the court and the parties were misled, and to show that a different disposition of the motion would have resulted from the correction of the error. MCR 2.119(F)(3).

The trial court did not abuse its discretion in granting plaintiff's motion for the correction of a misnomer. Leave to amend pleadings is to be freely granted when justice so requires. MCR 2.118(2). The trial court allowed plaintiff to correct the name of defendant "Marmon Group of Companies", to "Marmon Corporation"(a subsidiary of Marmon Holdings, Inc), and "Marmon Holdings, Inc." The actual defendants, Marmon Corporation and Marmon Holdings, Inc., were served copies of the summons and complaint three times prior to the trial court's action, and defendants later conceded that defendant American Safety Equipment Corporation had been a subsidiary of both Marmon Holdings, Inc. and Marmon Corporation. Further, defendants themselves had used the name "Marmon Group of Companies" to refer to themselves on documents and postings. Although the misnomer may have caused some confusion, the intended defendants were put on notice of the suit against them. *Daly v Blair*, 183 Mich 351, 353; 150 NW 134 (1914). The trial court properly granted plaintiff's motion for correction of the misnomer in this case.

The trial court's denial of defendants' motion for relief from the prior orders was also properly entered. As the trial court noted in its order, "the same issues have been presented to the trial court several times before", and defendants stated "no new or compelling reasons why the relief should be granted."

As defendants final issue is unsupported by either a developed argument or citation to authority, it need not be addressed. *Goolsby v Detroit*, 419 Mich 651, 655 n 1; 358 NW2d 856 (1984); *Froling v Carpenter*, 203 Mich App 368, 373; 512 NW2d 6 (1994).

Affirmed.

/s/ Peter D. O'Connell
/s/ Roman S. Gribbs
/s/ Timothy P. Pickard