

STATE OF MICHIGAN
COURT OF APPEALS

THERMON MOORE,

Plaintiff-Appellant,

v

BETTEN FRIENDLY MOTORS, a Michigan
corporation, TIM MURTORE, and GREG SHAW,

Defendants-Appellees.

UNPUBLISHED
February 25, 1997

No. 188202
Muskegon Circuit Court
LC No. 95-032589

Before: Bandstra, P.J., and Hoekstra and J.M. Batzer,* JJ.

PER CURIAM.

Plaintiff appeals by right from a trial court order striking his complaint and dismissing his cause of action. We affirm.

Plaintiff's complaint, which was written in a confusing style and contained paragraphs not limited to a single set of circumstances as required by MCR 2.113(E)(2), apparently attempted to allege discrimination, violation of civil rights, violation of the Consumer Protection Act, MCL 37.1606; MSA 3.550(606), fraud and misrepresentation, and intentional infliction of emotional distress. The trial court ordered plaintiff to amend his complaint to state a valid cause of action. Plaintiff's first amended complaint failed to meet the requirements of MCR 2.111(B) and MCR 2.113(E) in that it did not even utilize paragraphs. Plaintiff requested leave of the court to amend his complaint again, and submitted a proposed second amended complaint, which again failed to meet the court rules requirements. The trial court subsequently granted defendants' motion to strike plaintiff's complaint, and ultimately dismissed plaintiff's action.

Plaintiff first argues that the trial court erred in striking his complaint. We deem this issue abandoned because plaintiff failed to provide any argument on this issue in his appellate brief, *Singerman v Municipal Service Bureau, Inc*, 211 Mich App 678, 684; 536 NW2d 547 (1995), and

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

because plaintiff failed to cite any supporting legal authority, *Vugterveen Systems, Inc v Olde Millpond Corp*, 210 Mich App 34, 47; 533 NW2d 320 (1995).

Next, plaintiff argues that he was denied his constitutional right to receive due process of law because he did not receive proper notice or an opportunity to be heard. We disagree. Due process requires that notice be given which is reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of an action and afford them an opportunity to present their objections. *Vicencio v Ramirez*, 211 Mich App 501, 504; 536 NW2d 280 (1995). Actual mailing of notice to a party satisfies this notice requirement. *Int'l Salt Co v Wayne County Drain Comm'rs*, 367 Mich 160, 170; 116 NW2d 328 (1962). The lower court record contains proof of service indicating that defendants mailed notice of the date and time of the hearing on their motion to strike plaintiff's complaint to plaintiff's registered address. The trial court did hold a hearing regarding defendants' motion to strike plaintiff's complaint. Plaintiff complains that he was unable to attend the hearing because he was either at dialysis or incapacitated from dialysis at that date and time. However, plaintiff did not file any objections to the scheduled time of the hearing, and plaintiff did not request an adjournment. Moreover, plaintiff filed a brief in response to defendants' motion to strike before the date of the hearing. Based upon the foregoing, we believe that plaintiff was not denied due process of law.

Affirmed.

/s/ Richard A. Bandstra

/s/ Joel P. Hoekstra

/s/ James M. Batzer