

STATE OF MICHIGAN  
COURT OF APPEALS

---

MICHAEL A. MALEY,

Plaintiff-Appellant,

v

GREAT OAKS COUNTRY CLUB,

Defendant-Appellee.

---

UNPUBLISHED

November 21, 1997

No. 194321

Oakland Circuit Court

LC No. 94-DA5995-AV

Before: Wahls, P.J., and Taylor and Hoekstra, JJ.

PER CURIAM.

This case returns to this Court for plenary consideration pursuant to the Michigan Supreme Court's order of March 26, 1996. Plaintiff originally sought leave to appeal from the November 7, 1994 order of the Oakland Circuit Court, which affirmed a judgment of the 52-3 District Court, entered on a jury verdict that awarded damages to defendant on its counterclaim and dismissed plaintiff's principal claim as equitable in nature and therefore outside the jurisdiction of the district court. We affirm.

After reviewing the record, we conclude that the district court did not err in its determination that plaintiff's breach of contract claim involved the internal governing of a private association with which it should not interfere.<sup>1</sup> Where there is no evidence of fraud by a private association and the association has provided a reasonably effective means for resolving controversies, courts should not interfere with the governing of the association. *Christensen v Michigan State Youth Soccer Ass'n, Inc*, 218 Mich App 37, 39-40; 553 NW2d 638 (1996).

Here, plaintiff did not allege fraud on the part of defendant, and defendant provided and followed a reasonably effective means of resolving controversies. Accordingly, plaintiff is not entitled to bring his breach of contract claim before the district court, as he requests. The only relief that plaintiff seeks and will accept is a retrial of defendant's counterclaim in conjunction with his breach of contract claim. Because plaintiff is not entitled to that relief, we conclude that plaintiff is entitled to no relief whatsoever from the judgment entered in district court and affirmed by the circuit court.

Affirmed.

/s/ Myron H. Wahls  
/s/ Clifford W. Taylor  
/s/ Joel P. Hoekstra

<sup>1</sup> We note that the district court also based its dismissal on its finding that the remedy sought by plaintiff was equitable, over which it was without jurisdiction. Because it is unnecessary for us to decide this issue, we make no comment on the correctness of this determination.