

STATE OF MICHIGAN
COURT OF APPEALS

METAL FLOW CORPORATION,

Plaintiff-Appellant,

v

ECONOMY PRODUCTS COMPANY, INC, and
TONY DIVARMO,

Defendants-Appellees.

UNPUBLISHED

November 25, 1997

No. 195525

Ottawa Circuit Court

LC No. 95-024394 CK

Before: Jansen, P.J., and Fitzgerald and Young, JJ.

MEMORANDUM.

Plaintiff appeals as of right from the summary dismissal of its contract action on the ground of a lack of limited personal jurisdiction, MCR 2.116(C)(1). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The State of Michigan may exercise limited personal jurisdiction under its long-arm statute if two prerequisites are established. First, the rules of statutory construction must support the exercise of jurisdiction over the defendant. Second, the exercise of limited personal jurisdiction may not violate the Due Process Clause of the Fourteenth Amendment. *Starbrite Distributing, Inc v Excelda Mfg Co*, 454 Mich 302, 304; 562 NW2d 640 (1997).

Plaintiff has failed to show that subsection 5 of the Michigan long-arm statute, MCL 600.715(5); MSA 27A.715(5), supports the exercise of jurisdiction over defendants because there was no showing that the contract entered into was “for services to be performed or for material to be furnished in the state *by the defendant*.” (Italics added). Instead, the record reveals that the contract was for services to be performed in Michigan by plaintiff and for material to be furnished in the states of Missouri and Tennessee by plaintiff. *Starbrite, supra*, pp 306-308.

Affirmed.

/s/ Kathleen Jansen
/s/ E. Thomas Fitzgerald
/s/ Robert P. Young, Jr.