

STATE OF MICHIGAN
COURT OF APPEALS

RONALD G. HAARER and DAWN L. RHODES,

Plaintiffs-Appellants,

v

VREBA-HOFF DAIRY DEVELOPMENT, LLC,
VREBA-HOFF HOLDINGS, LLC, VAN BAKEL
EXPLOITATIEMIJ B V, JOHN VANDER HOFF,
WILHELM VAN BAKEL, and MENNO
WAGLER,

Defendants-Appellees.

UNPUBLISHED

August 17, 2006

No. 260001

Ingham Circuit Court

LC No. 03-001767-CZ

Before: Cavanagh, P.J., and Smolenski and Talbot, JJ.

SMOLENSKI, J. (*concurring*).

I concur with the majority's conclusion that the trial court properly dismissed plaintiffs' slander and defamation claims after plaintiffs failed to plead them with the requisite specificity. However, I disagree with the majority's conclusion that plaintiffs lacked standing. Under MCL 450.1489(1), our Legislature gave standing to any shareholder to bring a direct action in the circuit court "to establish that the acts of the directors or those in control of the corporation are illegal, fraudulent, or willfully unfair and oppressive to the corporation or shareholder." See also *Estes v IDEA Engineering & Fabricating, Inc*, 250 Mich App 270, 283-285; 649 NW2d 84 (2002). Nevertheless, because plaintiffs failed to present evidence that the allegedly oppressive conduct harmed their interests as shareholders, see MCL 450.1489(3) and *Franchino v Franchino*, 263 Mich App 172, 188-189; 687 NW2d 620 (2004), I conclude that defendants were entitled to summary disposition of these claims. Therefore, I concur.

/s/ Michael R. Smolenski