

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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AMERICAN AXLE & MANUFACTURING,  
INC.,

Plaintiff-Appellee,

v

MARK ALLEN MURDOCK,

Defendant-Appellant,

and

JUANITA DENISE MURDOCK,

Defendant.

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UNPUBLISHED  
December 19, 2006

No. 262786  
Wayne Circuit Court  
LC No. 03-320706-CZ

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AMERICAN AXLE & MANUFACTURING,  
INC.,

Plaintiff-Appellee,

v

MARK ALLEN MURDOCK and JUANITA  
DENISE MURDOCK,

Defendants-Appellants.

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No. 265111  
Wayne Circuit Court  
LC No. 03-320706-CZ

Before: Whitbeck, C.J., and Saad and Schuette, JJ.

PER CURIAM.

In this consolidated appeal, defendants Mark and Juanita Murdock appeal as of right a default judgment for damages and criminal contempt orders entered by the trial court against them. We affirm.

I. FACTS

In January 2003, Juanita Murdock (Juanita) submitted an Internal Revenue Service (IRS) Form W-4 to her employer American Axle & Manufacturing, Inc. (AAM). Juanita claimed to be exempt from federal income tax withholding. The IRS reviewed Juanita's W-4 at the request of AAM and concluded, in a letter dated May 1, 2003, that Juanita's Form W-4 did not meet the requirements of the Internal Revenue Code and related Employment Tax Regulations. Therefore, the IRS stated that AAM should disregard the Form W-4 and withhold taxes as if the employee were claiming the following: "Filing Status: Single, Allowances: 0." Upon receipt of the letter, AAM began to withhold from Juanita's paycheck according to the instructions from the IRS.

On May 12, 2003, Juanita filed a formal grievance with her union, United Auto Workers. She alleged that AAM was harassing her and causing undue stress by changing her W-4 form without her authorization. She requested that her status on her W-4 form be changed back to its prior status.

Additionally, after AAM began withholding federal taxes from Juanita's paycheck, Juanita's husband, Mark Murdock (Mark), started sending letters to agents and officers of AAM protesting the payroll tax withholding. On May 19, 2003, Mark sent AAM an "invoice," alleging that AAM committed fraud; conspiracy; extortion; racketeering; collection by impersonation; violation of Federal Fair Debt Collection Practices Act, 15 USC 1692 *et seq.*; discrimination; slander; libel; and union violations. The invoice calculated that AAM owed Juanita \$5,399.64: \$2,285.37 in income tax withholdings; \$114.27 in compound interest; and, \$3,000.00 in collections costs. Also on May 19, 2003, the Murdocks filed a UCC financing statement claiming to be secured creditors of AAM in the amount of \$5,399.64.

On June 6, 2003, Mark sent AAM another "invoice" on behalf of his wife, this time seeking \$17,227.66. He alleged fraud, mail fraud, computer fraud, conspiracy, extortion, racketeering, violation of the Federal Fair Debt Collection Practices Act, discrimination, slander, libel, breach of contract, copyright infringement, depression, harassment, and emotional distress.

On June 12, 2003, the Murdocks sent yet another "invoice" in the amount of \$29,750.62. This invoice was based on alleged improper withholding of income taxes, fraud, mail fraud, computer fraud, conspiracy, extortion, racketeering, violations of the Federal Fair Debt Collection Practices Act, discrimination, slander, libel, breach of contract, labor violations, depression, harassment, and emotional distress.

On June 25, 2003, AAM filed suit in Wayne Circuit Court seeking declaratory and injunctive relief, and damages on theories of defamation, violation of the Fair Debt Collection Practices Act, and violation of Michigan's Collection Practices Act, MCL 339.901 *et seq.*, and 445.251 *et seq.*

On July 9, 2003, the Murdocks were served with process. The process server testified that he and another process server went to the Murdock house. Mark opened the door and the servers announced that they were there to serve the Murdocks with process in this case. Mark attempted to close the door, but the papers became stuck in the door. Mark opened the door, took out the papers, and threw them at one of the process servers, knocking the server's glasses off his face. The servers returned to their car and Mark followed them, and again tried to throw the papers at them. Juanita also testified that her husband threw the papers at the servers. The

Murdocks never responded to this personal service, nor did they appear in court or take any other action in defense of this lawsuit.

AAM filed for entry of default on August 1, 2003. The trial court entered a partial default judgment against the Murdocks on September 5, 2003. The order stated in relevant part, as follows:

1. Plaintiff's Motion for Entry of Partial Default Judgment shall be and hereby is GRANTED.

2. It is hereby declared as follows:

A. AAM complied with its obligations under federal tax law with regard to withholding taxes from Defendant Juanita Murdock's paycheck,

B. AAM has not violated federal copyright law as alleged by Defendants merely by using Defendants' names, since names cannot be copyrighted, and

C. AAM has not engaged in the crimes or torts alleged by Defendants

3. Defendants, jointly and individually, and any person acting in concert with them or on their behalf, are hereby enjoined from:

A. Issuing further "invoices" to AAM as described in Plaintiff's complaint,

B. Publishing "invoices" to AAM to third parties,

C. Attempting to collect on those "invoices" already issued,

D. Contacting officers and agents of Plaintiff, other than Plaintiff's attorneys of record, regarding the subject matter of Defendants' allegations, and

E. Publishing statements alleging that Plaintiffs engaged in the crimes or torts described in Plaintiff's complaint and the attachments thereto.

4. Defendants shall immediately revoke, withdraw and discharge any UCC financing statements or other public filing indication that AAM is indebted to Defendants for any reason. Defendants shall provide Plaintiff's counsel with proof of the revocation, withdrawal, and/or discharge within seven (7) days after service of this Judgment. If Plaintiff's counsel does not receive such proof within the specified time frame, a true copy of this Judgment may be entered as evidence that any UCC financing statements or other public filing indicating that AAM is indebted to Defendants for any reason is determined to be null, void, and of no legal effect whatsoever.

On September 8, 2003, the Murdocks sent correspondence to AAM via AAM's chairman and CEO Richard Dauch. This correspondence was specifically addressed to the trial court, but

was also sent to the Wayne County Board of Commissioners; the Judicial Tenure Commission; John T. Berry, of the State Bar of Michigan; Jeffrey G. Collins, of the U.S. Attorney's office; the State Court Administrator's Office; AAM's attorney, Daniel Bernard; Blackstone Management Associates; and UAW President Ron Gettlefinger.

As a result of this contact, AAM filed a motion for contempt in Wayne Circuit Court. Before this motion could be addressed, the trial court held an evidentiary hearing because the Murdocks had challenged service of process in the original complaint. The trial court determined that the Murdocks had been properly served with process. The trial court then found the Murdocks in contempt for violating its September 5, 2003 judgment. The Murdocks were set to be sentenced on November 7, 2003, but they filed a notice removing the case from state court to the U.S. District Court for the Eastern District of Michigan on November 6, 2003. On November 25, 2003, the federal court remanded the case back to state court. Contempt sentencing was then set for December 5, 2003. The Murdocks then filed a motion to recuse the trial court judge. The motion was denied, and the Murdocks were each sentenced to seven days in jail or a \$100 fine. They each paid the fine and sanctions were awarded to AAM.

On April 16, 2004, the Murdocks sent a document entitled "Judicial Notice, 5<sup>th</sup> Notice of Misprision of Felony Crime." This notice was sent to 29 different people and accused AAM and its attorneys of 21 offenses, including copyright infringement, extortion, computer fraud, perjury, subornation of perjury, racketeering, treason, rebellion or insurrection, seditious conspiracy, robbing U.S. property, seditious conspiracy, attempting to steal, Judge impersonating a federal officer, injuring by obstructing due administration of justice, and advocating the overthrow of the U.S. government. The notice demanded payment in the amount of \$5,910,000.00. Some recipients of this notice included, Diane Stuart, director of the Office on Violence Against Women in Washington, DC; the U.S. Senate Committee on the Judiciary; AAM's attorney Bernard; the Inter-American Commission on Human Rights; Justice Maura Corrigan; Senator Carl Levin; the Office for Victims of Crime Resource Center; National Union Fire Insurance Company of Pittsburgh, Pennsylvania; and Credit Suisse First Boston.

On April 17, 2004, the Murdocks sent out another document, entitled "Amended Petition on Human Rights Violations." This petition was sent to 36 different recipients. These recipients included several banks, one of which held the mortgage to attorney Bernard's home, and another of which was his lender for his line of credit. This document included a "Verified Bill of Invoice" and claimed that AAM, the state of Michigan, U.S. District Judge Robert Cleland and AAM's attorneys all owed the Murdocks \$5,910,000.00. This document further included drafts of UCC financing statements claiming security interests of \$236,996,326.46 in the assets of attorney Bernard and his wife, Judge Cleland, AAM, and AAM's law firm.

On May 15, 2004, the Murdocks sent a document entitled "2<sup>nd</sup> Request and Demand for Immediate Precautionary Measures to Prevent Further Irreparable Harm As Set Forth Under Article 25 of the Commission's Rules of Procedure." This document was mailed to eight individuals, including banks, a mortgage company, the trial court judge, attorney Bernard, and

National Union Fire Insurance Company of Pittsburgh, Pennsylvania. This document contained another invoice, the UCC financing statements, and the claim of lien sent on other occasions.

On July 29, 2004, the trial court found the Murdocks in contempt for a second time and awarded AAM sanctions. Before sentencing occurred, the Murdocks filed for bankruptcy.<sup>1</sup> On August 26, 2004, the trial court adjourned sentencing. The trial court held hearings on October 12, 2004, December 15, 2004, and January 20, 2005. The Murdocks did not appear for sentencing on January 20, 2005, and the trial court issued warrants for their arrests. When the Murdocks were eventually arrested, the trial court sentenced Mark to 30 days in jail and Juanita to 15 days in jail.

While the sentencing for the Murdocks' second contempt was ongoing, the Murdocks violated the trial court's judgment again, resulting in AAM's filing of its third and fourth motions for contempt. On December 10, 2004, the Murdocks sent a "Friendly Default Judgment, Affidavit of Verification, Discovery Request for Collection, Affidavit and Notice of Entry of Foreign Judgment, Notice of Judgment Lien, and Request and Order to Seize Property." This document was sent to attorney Bernard, and 34 additional parties, including U.S. Attorney General John Ashcroft and the trial court judge at his home. On January 7, 2005, Mark, in written correspondence, demanded that an appraiser be permitted to enter attorney Bernard's personal residence and threatened to embarrass Bernard in the neighborhood and community if he did not grant the appraiser access. This document also threatened to dissolve the law firm of Vercruyse, Murray and Calzone, P.C. (Bernard's law firm) and AAM. For these additional violations of the trial court's judgment, Mark was sentenced to 30 days in jail and Juanita was sentenced to 10 days in jail or a \$100 fine. The Murdocks now appeal.

## II. SUBJECT-MATTER JURISDICTION

The Murdocks argue that this Court does not have subject-matter jurisdiction over this case for the following reasons: (1) AAM failed to exhaust its administrative remedies through the UAW grievance process; (2) the trial court judge was not a bona fide judge of a court of record; and (3) there was collusion between Supreme Court Justice Michael Cavanagh and the trial court judge because Justice Cavanagh donated funds to the trial court judge's campaign. We disagree.

### A. Standard of Review

This Court reviews de novo the question of whether subject-matter jurisdiction exists. *McCleese v Todd*, 232 Mich App 623, 627; 591 NW2d 375 (1998).

### B. Analysis

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<sup>1</sup> Ultimately, the bankruptcy court dismissed the case on motion of the Internal Revenue Service. The Murdocks appealed, and the dismissal was affirmed by the U.S. District Court and the Sixth Circuit Court of Appeals.

With regard to the Murdocks' first argument—that this Court lacks subject-matter jurisdiction because AAM failed to exhaust its administrative remedies—we note that the Murdocks did not raise this issue below. Generally, a dismissal based on the failure to exhaust administrative remedies is properly granted under MCR 2.116(C)(4). *Rudolph Steiner School v Ann Arbor Twp*, 237 Mich App 721, 730; 605 NW2d 18 (1999). However, the Murdocks never answered AAM's complaint or made any motion for summary disposition; and, as a result, the Murdocks have left no factual record on this issue for this Court to review. The collective bargaining agreement was attached to the briefs of both parties, as was Juanita's original grievance. However, this Court has no facts regarding the status of Juanita's grievance, either at the time of the lower court proceedings or now. All we have are the Murdocks' assertions that the grievance was "pending."

However, a challenge to a trial court's subject-matter jurisdiction can be raised at any time, even for the first time on appeal. *Midwest Energy Coop v Pub Service Comm*, 268 Mich App 521, 523; 708 NW2d 147 (2005). The trial court's subject-matter jurisdiction is determined based on the allegations in the complaint. *Trost v Buckstop Lure Co, Inc*, 249 Mich App 580, 586; 644 NW2d 54 (2002). "Circuit courts are courts of general jurisdiction, vested with original jurisdiction over all civil claims and remedies 'except where exclusive jurisdiction is given in the constitution or by statute to some other court . . .'" *Papas v Gaming Control Bd*, 257 Mich App 647, 657; 669 NW2d 326 (2003), quoting MCL 600.605.

Here, in its complaint, AAM alleged defamation, violations of the Fair Debt Collection Practices, violations of Michigan's Collection Practices Act, and sought equitable and declaratory relief. Each of these causes of action gives rise to circuit court subject-matter jurisdiction. See *Trost, supra* (a circuit court has subject-matter jurisdiction over defamation cases); 15 USC 1692k(d) (a circuit court has jurisdiction to hear claims under the Fair Debt Collection Practices Act); and MCL 445.257(1) (claims may be filed in circuit court under the Michigan's Collection Practices Act).

Given the limited factual record available on this issue, we conclude that the Murdocks' arguments that the trial court lacked subject-matter jurisdiction because Juanita Murdock had an ongoing UAW grievance and AAM failed to exhaust all administrative remedies are without merit. First, as AAM properly noted, Mark is not an AAM employee, nor is he represented by the UAW; thus, any administrative remedies would not apply to him. Additionally, the collective bargaining agreement between AAM and the UAW provides:

Neither the Corporation, nor any associate or group of associates may initiate or cause to be initiated or press any court action claiming or alleging a violation of this Agreement of any local or other agreement amendatory or supplemental hereto, where such claim is also the subject matter of a grievance which is then open at any step of this grievance procedure.

The subject matter of the UAW grievance was Juanita's W-4 form. AAM's complaint was not an attempt to resolve the issue of how it should withhold Juanita's taxes, rather it was an attempt to stop the Murdocks from sending harassing "invoices." The distinct causes of action in AAM's complaint are legally separate from the resolution of the tax withholding issue.

Finally, the cases cited in the Murdocks' briefs are not on point. The Murdocks refer this Court to the following cases: *Hanlon v Civil Service Comm*, 253 Mich App 710, 660 NW2d 74 (2002); *Michigan State Chamber of Commerce v Secretary of State*, 122 Mich App 611; 332 NW2d 547 (1983); and *Holman v Industrial Stamping & Mfg Co*, 344 Mich 235; 74 NW2d 322 (1955). However, none of these cases provide support for the Murdocks' assertion. The Murdocks may not merely announce their position and leave it to this Court to discover and rationalize the basis for their claims, *Wilson v Taylor*, 457 Mich 232, 243; 577 NW2d 100 (1998); nor may they give issues cursory treatment with little or no citation of supporting authority, *Goolsby v Detroit*, 419 Mich 651, 655 n 1; 358 NW2d 856 (1984). The Murdocks' failure to properly address the merits of their assertions of error constitute abandonment of the issue. *People v Harris*, 261 Mich App 44, 50; 680 NW2d 17 (2004).

The Murdocks also argue that the trial court lacked subject-matter jurisdiction because they believe that the trial court judge is not a bona fide judge of a court of record. MCL 168.420 requires a circuit court judge to file his oath of office before beginning the duties of his office, and MCL 168.419 requires that he take office at noon on January 1 following his election. The Murdocks assert that the trial court judge filed his oath of office with the Wayne County Clerk on January 19, 2001, and with the Secretary of State on January 19, 2001. The Murdocks claim that because he failed to strictly comply with the statutory requirements, his office should now be considered "vacant." We have found no Michigan case law to support this contention, nor have the Murdocks cited any binding case law to support this contention. The Murdocks assert that *People v Freedland*, 308 Mich 449, 458; 14 NW2d 62 (1944), requires that a public officer take an oath of office. However, *Freedland* does not stand for this proposition. Again, the Murdocks may not merely announce their position and leave it to this Court to discover and rationalize the basis for their claims. *Wilson, supra* at 243.

Lastly, the Murdocks' assertion that the trial court judge and Justice Cavanagh are somehow engaged in a conspiracy is completely unsupported by any evidence.

### III. PERSONAL JURISDICTION

The Murdocks argue that the trial court did not have personal jurisdiction over them because they were not properly served with the summons and complaint in this case. Specifically, the Murdocks assert that the process server did not serve Juanita at all and that the process server committed a crime by trespassing on private property without a court order, by opening the back door of the Murdocks' home, and by committing assault and battery on Mark by throwing papers at his chest and face. Again, we disagree.

#### A. Standard of Review

"Whether a trial court has personal jurisdiction over a party is a question of law that this Court reviews de novo." *In re SZ*, 262 Mich App 560, 564; 686 NW2d 520 (2004).

#### B. Analysis

MCR 2.105(H)(1) provides that "[s]ervice of process on a defendant may be made by serving a summons and a copy of the complaint on an agent authorized by written appointment or by law to receive service of process." Moreover, MCR 2.105(A) provides:

Process may be served on a resident or nonresident individual by

(1) delivering a summons and a copy of the complaint to the defendant personally; or

(2) sending a summons and a copy of the complaint by registered or certified mail, return receipt requested, and delivery restricted to the addressee. Service is made when the defendant acknowledges receipt of the mail. A copy of the return receipt signed by the defendant must be attached to proof showing service under subrule (A)(2).

The rules for service of process “are not intended to limit or expand the jurisdiction given the Michigan courts over a defendant.” MCR 2.105(J)(1). Hence, strict compliance with the rules is not required. MCR 2.105(J)(3); *Alycekay Co v Hasko Constr Co, Inc*, 180 Mich App 502, 505-506; 448 NW2d 43 (1989). Further, “[t]his Court has held that service-of-process rules are intended to satisfy the due process requirement that a defendant be informed of the pendency of an action by the best means available, by methods reasonably calculated to give a defendant actual notice of the proceeding and an opportunity to be heard and to present objections or defenses.” *Bunner v Blow-Rite Insulation Co*, 162 Mich App 669, 673-674; 413 NW2d 474 (1987).

Here, the process server testimony reveals that the Murdocks received service of process through personal delivery. Although they may have chosen not to read the papers served upon them, the process server left the papers with the Murdocks, and, at one point, Mark actually had the papers in his hands. That Mark attempted to throw the papers back at the server does not negate the fact that the Murdocks were given the opportunity to be informed of the pendency of this case. In *Barclay v Crown Bldg and Dev, Inc*, 241 Mich App 639, 646; 617 NW2d 373 (2000), this Court cited with approval the following passage from 1 Dean & Longhofer, Michigan Court Rules Practice, p 118:

In determining what constitutes “delivery,” the purpose of the service should always be kept in mind. There is little reason, for example, to require a process server to trick an evasive defendant into grasping the papers served. Informing the defendant of the nature of the papers, offering them to the defendant, and leaving them within the defendant’s physical control ought to suffice to constitute “delivery.” [Emphasis omitted.]

The Murdocks’ argument that the process servers committed criminal trespass are also without merit. The “No Trespassing” sign posted on their door was directed at federal authorities, all unconstitutional agencies, and zoning and planning boards. Process servers are not among those categories. Thus, the trial court properly exercised personal jurisdiction over the Murdocks in this case.

#### IV. CONTEMPT OF COURT

The Murdocks argue that the trial court erred in holding them in contempt of court for violating the trial court's orders. We disagree. The Murdocks raise 19 arguments to support their contention that the trial court erred. However, we conclude that the Murdocks' arguments are meritless.

#### A. Standard of Review

This Court reviews a trial court's decision to hold a party in contempt for an abuse of discretion. *In re Dudzinski*, 257 Mich App 96, 99; 667 NW2d 68 (2003).

#### B. Analysis

Mark appeals his third and fourth findings of contempt by the trial court. Following the second contempt finding, the trial court issued an order on July 23, 2004, entitled "Supplemental Order for Injunctive Relief." The purpose of this order was to supplement and clarify the "Partial Default Judgment" upon which the first two findings of contempt were based. This supplemental order stated in relevant part:

1. For purposes of this Order, "the Protected Parties" means Plaintiff's employees, the law firm representing Plaintiff, the attorneys and other employees of the law firm, court officers, court employees and their families.

2. Defendants, jointly and individually, and any person acting in concert with them or on their behalf, are hereby enjoined from:

A. Publishing or issuing any further invoices, bills, statements, claims of lien, subpoenas, or any similar document to or regarding any of the Protected Parties without first (1) obtaining a judgment against the person(s), (2) obtaining the agreement of the person(s), or (3) obtaining the approval of a court of record;

B. Attempting to collect on or enforce any invoices, bills, statements, claims of lien, subpoenas, or any similar document already issued or published to or regarding the Protected Parties;

C. Contacting any of the Protected Parties, other than by mail to Plaintiff's attorneys at their business address of record, regarding any matter, except that Defendants are permitted to file pleadings with the Clerk's office in this Court and to appear in Court as necessary for the proceedings in this case; and

D. Publishing statements alleging that the Protected Parties engaged in the crimes or torts described in Plaintiff's Motion For Contempt And Order To Show Cause And For Expanded Injunctive Relief, or that the Protected Parties engaged in any similar conduct without first (1) obtaining a judgment against the person(s), (2) obtaining the agreement of the person(s), or (3) obtaining the approval of a court of record.

On December 7, 2004, the Murdocks violated this supplemental order (paragraph 2C) by sending prohibited documents to AAM's counsel at his personal residence. Additionally, Mark

threatened that if AAM's counsel did not allow an appraiser to access his home, he would cause "an embarrassment with the neighbors and community." The trial court judge also received similar correspondence.

The Murdocks again violated this supplemental order on December 10, 2004, by sending multiple documents directly to AAM's counsel without satisfying any of the three conditions detailed in the order. The Murdocks sent a "Friendly Default Judgment," which was a document filed with the Inter-American Commission on Human Rights. The "Friendly Default Judgment" named the trial court judge, U.S. District Court Judge Cleland, the Attorney Grievance Commission, the Judicial Tenure Commission, the State Bar of Michigan, and the United States as parties, and it sought a "judgment amount" of \$263,996,326.46.

This Court has defined contempt of court as a "willful act, omission, or statement that tends to . . . impede the functioning of a court." *In re Contempt of Auto Club Ins Ass'n*, 243 Mich App 697, 708; 624 NW2d 443 (2000), quoting *In re Contempt of Robertson*, 209 Mich App 433, 436; 531 NW2d 763 (1995). A court of this state is empowered by statute to hold a party in contempt for "disobeying any lawful order, decree, or process of the court." MCL 600.1701(g). The court may use this power to "punish past transgressions, compel future adherence to . . . the court rules and court orders, or compensate the complainant." *Auto Club Ins Ass'n, supra* at 708.

On March 24, 2005, the trial court held a show cause hearing why Mark would not be held in contempt under MCR 3.606. Mark's assertion that he was deprived of counsel during this stage is not reflected by the record. During this hearing, AAM presented the documents that were sent in violation of the supplemental order. Further, Mark's attorney stated that "we are not contesting the fact that on December 10<sup>th</sup> this packet of documents was sent, that this covering letter accompanied it and Mr. Murdock signed it." Therefore, there is no factual dispute that Mark violated the court's order. Mark's arguments on this issue are both factually and legally unsupported. Thus, the trial court properly held Mark in contempt.

## V. SANCTIONS

Finally, we reject the Murdocks' argument that they are entitled to sanctions under MCL 600.2907 for mental anguish, embarrassment, and humiliation, and that they are entitled to damages under MCL 750.370 for false and malicious accusation of a false debt, crimes, criminal contempt of court, and falsely encumbering property.

### A. Standard of Review

This Court's review of a trial court's imposition of sanctions is limited to determining whether the trial court's findings were clearly erroneous. *Contel Sys Corp v Gores*, 183 Mich App 706, 711; 455 NW2d 398 (1990). "A finding is clearly erroneous when, after reviewing the entire record, this Court is left with a definite and firm conviction that a mistake has been made." *Michigan Citizens for Water Conservation v Nestlé*, 269 Mich App 25, 40; 709 NW2d 174 (2005). "The clear error standard is highly deferential to the trial court and requires that regard be given to the trial court's special opportunity to judge credibility." *Id.* at 41.

### B. Analysis

The Murdocks' argument is premature because the trial court has not made any ruling on the issue of sanctions. Indeed, a review of the record reveals that the Murdocks never filed any motions for sanctions below. Issues not raised below may not be raised on appeal. *Peterman v Dep't of Natural Resources*, 446 Mich 177, 183; 521 NW2d 499 (1994). Also, the Murdocks failed to file a motion to set aside the default judgments against them, and they have never answered AAM's complaint. Therefore, since the Murdocks have never formally moved for sanctions or otherwise obtained a ruling from the lower court on the issue of sanctions, or moved to set aside the entry of default, they are not entitled to appellate review of this issue at this time.

Affirmed.

/s/ William C. Whitbeck

/s/ Henry William Saad

/s/ Bill Schuette