

# Order

Michigan Supreme Court  
Lansing, Michigan

April 6, 2018

Stephen J. Markman,  
Chief Justice

156116

Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Kurtis T. Wilder  
Elizabeth T. Clement,  
Justices

YVETTE M. CORMIER,  
Plaintiff-Appellant,

v

SC: 156116  
COA: 331286  
Midland CC: 15-002463-NZ

PF FITNESS-MIDLAND, LLC, and  
PLA-FIT FRANCHISE, LLC,  
Defendants-Appellees,

and

PLANET FITNESS HOLDINGS, LLC,  
PLANET FITNESS EQUIPMENT, LLC,  
PLANET FITNESS NAF, LLC, PFIP, LLC,  
and TSG CONSUMER PARTNERS, LLC,  
Defendants.

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On order of the Court, the application for leave to appeal the June 1, 2017 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE that part of the Court of Appeals judgment concluding that the plaintiff had abandoned her claims under the Michigan Consumer Protection Act (MCPA), MCL 445.901 *et seq.* The plaintiff attached her complaint to her brief, cited the governing statute, MCL 445.901 *et seq.*, and provided a two-page discussion of her theory supporting her claims. Thus, the plaintiff did not simply announce her position and leave it to the court to rationalize her basis, nor did she require the court to search for authority either to sustain or reject her position in this statutory cause of action. *Cf. Wilson v Taylor*, 457 Mich 232, 243 (1998), quoting *Mitcham v Detroit*, 355 Mich 182, 203 (1959). Accordingly, the Court of Appeals erred in declining to consider the plaintiff's MCPA claims. Therefore, we REMAND this case to that court for consideration of the trial court's grant of summary disposition on those claims. See *Brownlow v McCall Enterprises, Inc*, 315 Mich App 103 (2016).

In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.



a0403

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 6, 2018

A handwritten signature in black ink, appearing to read "Larry S. Royster", written over a horizontal line.

Clerk