

STATE OF MICHIGAN
COURT OF APPEALS

NAACO PEOPLES UNIVERSAL LIFE
CHURCH,

UNPUBLISHED
April 8, 2003

Plaintiff,

and

WILLIAM BERT JOHNSON,

Plaintiff-Appellant,

v

No. 235240
Wayne Circuit Court
LC No. 01-100076-AZ

CITY OF DETROIT,

Defendant-Appellee.

Before: Markey, P.J., and White and Zahra, JJ.

PER CURIAM.

Plaintiff¹ appeals as of right from the order denying his motion for order to show cause and dismissing the case. We affirm.

Plaintiff's complaint was entitled "COMPLAINT FOR INJUNCTION AND MOTION FOR TEMPORARY RESTRAINING ORDER." Plaintiff sought to enjoin defendant and its tax collectors and agents from collecting taxes on certain property owned by plaintiff and occupied by NAACO Peoples Universal Life Church, on the basis that the property is tax exempt. Plaintiff also sought to enjoin defendant and its agents from using force or violence, methods contrary to the postal laws, or harassing techniques to collect the tax. Plaintiff sought to enjoin defendant and its agents from certain conduct, including writing obscene letters, and making obscene phone calls, damaging property, threatening to declare the property a nuisance, and setting fires. Plaintiff further sought to enjoin defendant from foreclosing on the property until the Michigan Tax Tribunal rules on the merits. Plaintiff claimed that the illegal activity had been going on for seven years. Plaintiff asserted that defendant's agents had broken into the property and stolen items, and that defendant's agents had dumped large quantities of debris in front of

¹ References in this opinion to "plaintiff" include both Johnson and NAACO.

him on the highway as he was traveling at fifty miles per hour, causing him to lose control of his vehicle. Plaintiff also sought an order vacating an earlier order of foreclosure, entered October 30, 2000.

The circuit court issued an order directing defendant to show cause on January 16, 2001 why an injunction should not issue. The show cause hearing was adjourned several times. Plaintiff sent defendant interrogatories, defendant filed objections, and plaintiff sought to compel discovery. Defendant sought to quash the order to show cause, arguing that plaintiff was simply trying to attack the October 30, 2000 judgment of foreclosure, the redemption period for which had expired December 29, 2000, that the tax tribunal had exclusive jurisdiction, that the circuit court could not enjoin the collection of a tax, and that plaintiff, who is not a lawyer, could not properly represent the church. The show cause hearing was finally scheduled for April 24, 2001. Although defendant appeared to show cause, plaintiff did not appear. The court did not hear argument, but entered praecipe orders dismissing the motion for order to show cause, the motion for temporary restraining order, and the motion to compel discovery as moot. Defendant filed a notice of proposed order under the seven-day rule, MCR 2.602, and an order denying order to show cause was entered May 21, 2001. On May 29, plaintiff filed objections to the order on the ground that the order should be amended to provide that defendant's answer is stricken for failure to comply with the discovery rules. Defendant responded that the objections were untimely. Plaintiff also filed a motion for reconsideration and rehearing, arguing that the court erred in denying plaintiff's motion for discovery and dismissing plaintiff's complaint without giving plaintiffs an opportunity to prove their case. Defendant opposed the motion and the court set the matter for hearing. On June 12, the court entertained argument, explaining that ordinarily there is no argument on a motion for reconsideration, but because plaintiff was representing himself, and had not appeared at the earlier hearing, the court would permit argument.

Plaintiff asserted that he had not attended the earlier hearing because he was in poor health, due, at least in part, to the fact that he had been attacked on several occasions by persons employed by defendant. He also asserted that the church property had been damaged, and that his life had been threatened, by employees of defendant. Plaintiff stated that the persons making the threats were employees of the police department and the water department, and that the threats were to the effect that he should not pursue this case or he would be "dealt with properly." He asserted that his phone service had been interrupted, windows were knocked out of three automobiles, bricks were ripped from the church walls and porch, the garage door was crushed by an automobile, and that doors were kicked in. He stated that he finally got up the courage to go to court and seek an injunction. When the court asked what plaintiff wanted the court to do, he responded that he wanted the court to restrain defendant and its employees from doing these things, explaining that the police had attacked him and caused him physical harm. Responding to the court's question, plaintiff stated that he had made several formal police complaints, but the authorities had found no wrongdoing. Plaintiff further asserted that he had not received any proposed orders under the seven-day rule, and requested that he be granted the opportunity to have a hearing. When asked what he would demonstrate at the hearing, he responded that, if permitted discovery, he would demonstrate that the police officers and city employees were "the main culprits." Defendant responded that, with regard to the seven-day order, defendant used the two addresses on plaintiff's pleadings, but the letters were returned. Defense counsel explained that defendant had obtained a judgment of foreclosure, and the time to redeem had expired. Defense counsel argued that plaintiff had presented no real support for

his allegations and that a restraining order would be improper. Plaintiff responded that he could supply the Internal Affairs complaints he filed, and that relief in equity was his only option.

The court ruled from the bench, stating that as to the property, there was a judgment of foreclosure and the period of redemption had expired, so that it was too late for relief. The court stated that the rest of the claim appeared to consist of generalized claims against unnamed persons who had, if the claims are true, committed criminal acts and violated plaintiff's rights. The court stated that plaintiff needed to proceed against named individuals, and that "it is not enough to say that members of the city or members of the police department have done certain things." Noting that plaintiff had filed Internal Affairs complaints with no results, the court stated that plaintiff might have to go to the prosecutor or the Attorney General, but that, although the court can be a court of equity, it cannot grant restraining orders on the generalized allegations that plaintiff had made. The court denied the motion for rehearing and reconsideration and plaintiff appealed.

Plaintiff first argues that the circuit court erred in concluding that it did not have jurisdiction to grant plaintiff's requested injunctive relief to protect personal and civil rights. We disagree. Although the court mentioned jurisdiction, the court did not determine that it lacked jurisdiction to grant an injunction to protect such rights. Rather, the court determined that plaintiff's allegations were too generalized as to the persons responsible to permit the court to fashion appropriate injunctive relief. We find no error.

Plaintiff next argues that the court erred in determining it was without jurisdiction to issue an injunction to protect plaintiff's property rights. Plaintiff's brief contains no analysis of this issue. We observe, however, that the Legislature has vested the Michigan Tax Tribunal with exclusive jurisdiction "for direct review of a final decision, finding, ruling, determination, or other order of an agency relating to assessment, valuation, rates, special assessments, allocation, or equalization, under property tax laws." MCL 205.731; see also, *Nicholson v Birmingham Bd of Review*, 191 Mich App 237; 477 NW2d 492 (1991). To the extent plaintiff sought to have the circuit court declare that the property is exempt, the court correctly denied relief. Plaintiff's entitlement to a tax exemption for the property must be determined by the Tax Tribunal. In fact, plaintiff filed an appeal before the Tax Tribunal. Further, to the extent plaintiff sought to have the court vacate or set aside the judgment of foreclosure, the court correctly determined that it was too late. The judgment of foreclosure was entered and the period of redemption had passed. Plaintiff was seeking to collaterally attack that judgment. To the extent plaintiff sought to have the court restrain collection efforts until a determination of the tax tribunal, we also conclude the court did not err in denying relief. Although MCL 211.114, providing that no injunction shall issue to stay proceedings for the assessment or collection of a tax, does not apply where irreparable injury or hardship is involved, *United States Cold Storage Corp v Board of Assessors*, 349 Mich 81; 84 NW2d 487 (1957), or where there is no adequate remedy, plaintiff failed to show irreparable injury or hardship or an inadequate remedy.

Plaintiff next argues that the court erred when it denied plaintiff's motion to compel defendant to produce documents. However, plaintiff's only argument on this issue is a lengthy quote from *Traxler v Ford Motor*, 227 Mich App 276; 576 NW2d 398 (1998), without discussion of the case's application here. It is not sufficient for a party to simply announce a position or assert an error and leave it this Court to discover and rationalize the basis of the claim, or unravel and elaborate the argument, or search for authority to either sustain or reject the

party's position. *Mudge v Macomb Co*, 458 Mich 87, 104-105; 580 NW2d 845 (1998), quoting *Mitcham v Detroit*, 355 Mich 182, 203; 94 NW2d 388 (1959). Similarly, plaintiff's remaining claims of error regarding discovery are supported only by quotation of various court rules, without elaboration or discussion, or are not supported at all. We are thus unable to address these claims.

Affirmed.

/s/ Jane E. Markey
/s/ Helene N. White
/s/ Brian K. Zahra