

STATE OF MICHIGAN
COURT OF APPEALS

DAVID ANTHONY and HOLLY ANTHONY,

Plaintiffs/Counter Defendants-
Appellees/Cross-Appellants,

v

DELAGRANGE REMODELING, INC.,

Defendant/Counter Plaintiff-
Appellant/Cross-Appellee,

and

GREGORY DALMAN, DENNIS YODER, and
DELAGRANGE HOMES, INC.,

Defendants-Appellants/Cross-
Appellees.

UNPUBLISHED

March 15, 2005

No. 252644

Branch Circuit Court

LC No. 00-008579-CK

Before: Zahra, P.J., and Neff and Cooper, JJ.

ZAHRA, P.J. (*concurring in part and dissenting in part*).

I concur in all aspects of the majority opinion except the conclusion that there was sufficient evidence to hold Delegrange Homes, Inc., liable for the actions of Delegrange Remodeling, Inc., on a piercing of the corporate veil theory (section VI of the majority opinion). The trial court erred in concluding that Delegrange Remodeling, Inc., was a subsidiary of Delegrange Homes, Inc. Delegrange Homes, Inc., did not own stock in Delegrange Remodeling, Inc. Thus, the lack of corporate formality, the lack of capital, and the failure of Delegrange Remodeling, Inc., to obtain licensing to construct residential homes in Michigan cannot form a basis on which to impose liability against Delegrange Homes, Inc. See *Seasword v Hilti, Inc After Remand*, 449 Mich 542, 547; 537 NW2d 221 (1995) (“It is a well-recognized principle that separate corporate entities will be respected.”) Plaintiffs contracted with Delegrange Remodeling, Inc. Plaintiffs did not assert a separate cause of action for fraud, misdealing, or misrepresentation against Delegrange Homes, Inc. Thus, assuming there are sufficient facts to pierce the corporate veil of Delegrange Remodeling, Inc., plaintiffs’ remedy is limited to the

stockholders of Delegrange Remodeling, Inc.—defendants Dalman and Yoder. Plaintiffs have no remedy against Delegrange Homes, Inc. I would vacate the judgment entered against Delegrange Homes, Inc.

/s/ Brian K. Zahra