

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

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YOUNUS ALI SYED, QAZI MUKARRAM  
AHMED, AFSAR MUJAHID ALI and YASIR  
FARHAN,

UNPUBLISHED  
February 1, 2007

Plaintiffs-Appellants,

v

ISLAMIC ASSOCIATION OF MICHIGAN,

No. 271206  
Wayne Circuit Court  
LC No. 06-602538-CK

Defendant-Appellee.

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Before: Saad, P.J., and Cavanagh and Schuette, JJ.

PER CURIAM.

Plaintiffs appeal as of right an order granting summary disposition in favor of defendant. We affirm, but on different grounds.

**I. FACTS**

This case arises from plaintiffs' dissatisfaction with defendant's election process. Defendant is a non-profit, non-political, Islamic religious, charitable, and educational organization with about 300 members. Defendant is governed by: (1) an executive committee, which consists of four officers, the president, vice-president, secretary and treasurer and (2) a Board of Directors, which consists of nine elected members, including the executive committee. The election of officers and directors are established in article IX of defendant's constitution ("constitution"). Defendant also has a five member Board of Trustees ("Trustees").

On July 24, 2005, all nine directors resigned because of allegations that the 2004 election of directors was unfair and unconstitutional. On August 26, 2005, the Trustees appointed nine new directors to fill the vacated positions. The constitution provided that three directors were to be elected each September, so the following election schedule was instituted: three of the appointed directors were to serve on the board until the 2005 election, three were to serve until the 2006 election, and the remaining three were to serve until the 2007 election.

On September 5, 2005, a letter was sent to the general body explaining the appointment of the new directors. The letter also explained the election schedule and the timing and procedures for nominations. The letter further announced that a general body meeting would be held in October 2005.

On September 19, 2005, the directors mailed out voting instructions and mail-in ballots for the 2005 election. The ballots were timely returned. However, the October 2005 general body meeting was postponed because of legal concerns regarding the election. On November 18, 2005, the general body meeting was held and the ballots were counted. Afzal Bhatti, Razi A. Jafri, and Farooq Khawaja received the majority votes and were elected to serve three-year terms as directors. Over 200 ballots were cast in the election.

On January 26, 2006, plaintiffs filed suit against defendant, alleging that defendant's constitution did not permit the Trustees to appoint the Board of Directors. Plaintiffs further alleged that the appointment of the directors violated the Michigan Not-For-Profit Corporation Act. Plaintiffs requested declaratory relief requiring that defendant conduct an election in accordance with the constitution.

On April 18, 2006, plaintiffs moved for summary disposition under MCR 2.116(C)(10), arguing that the Trustees violated the constitution and the wishes of the general body when it appointed the Board of Directors. Plaintiffs further argued that the November 2005 election of the three directors violated the constitution because the election was set up by the illegal Board of Directors and it was done by mail-in ballots. Plaintiffs requested that the court order a new election for all nine directors. In response, defendant argued that plaintiffs created the "constitutional [crisis]" of which they complain when they all resigned from their positions and that the ecclesiastical abstention doctrine prohibited the court from interfering with issues that relate to whether a religious organization followed its own policies and procedures.

On June 12, 2006, after concluding that its jurisdiction was not divested by the ecclesiastical abstention doctrine, the trial court granted summary disposition in favor of defendant. The trial court concluded that although the Trustees violated the constitution when they appointed the Board of Directors, because the 2005 election of directors Bhatti, Jafri and Khawaja was lawful, it ordered that Bhatti, Jafri and Khawaja appoint the remaining six members of the Board of Directors. Plaintiffs now appeal.

## II. STANDARD OF REVIEW

A trial court's grant or denial of a motion for summary disposition is reviewed de novo on appeal. *Maiden v Rozwood*, 461 Mich 109, 118; 597 NW2d 817 (1999). A motion under MCR 2.116(C)(10) tests the factual support for a claim. *Id.* at 119-120. A court considers the affidavits, pleadings, depositions and other evidence submitted by the parties, to the extent or content or substance of the evidence would be admissible, in a light most favorable to the nonmoving party. MCL 2.116(C)(10); *Maiden, supra* at 120. This Court reviews the entire record to determine if summary disposition was warranted. *Maiden, supra* at 118.

## III. ANALYSIS

Plaintiffs argue that the trial court erred when it granted summary disposition, thereby upholding defendant's allegedly illegal election process. Conversely, defendant argues that the trial court erred in reaching the merits of this case because it lacked subject-matter jurisdiction under the ecclesiastical abstention doctrine. We agree with defendant.

The free exercise of religion is guaranteed by both the United States and Michigan Constitutions. US Const, Am I; Const 1963, art 1, § 4. Under the ecclesiastical abstention doctrine, which derives from the constitutional free exercise clauses, a civil court loses jurisdiction when it must venture into questions of religious doctrine or ecclesiastical polity. *Smith v Calvary Christian Church*, 462 Mich 679, 684; 614 NW2d 590 (2000). “Religious doctrine refers to ritual, liturgy of worship, and tenets of the faith. Polity refers to [the] organization and form of government of the church.” *Maciejewski v Breitenbeck*, 162 Mich App 410, 414; 413 NW2d 65 (1987). A civil court’s jurisdiction to resolve property disputes involving a church or church members is limited to property rights that can be adjudicated by application of civil law. *Id.* Further, the ecclesiastical abstention doctrine bars a court from determining whether a church violated its own policies and procedures. See *Dlaikan v Roodbeen*, 206 Mich App 591, 594; 522 NW2d 719 (1994); *Lewis v Seventh Day Adventists Lake Region Conference*, 978 F2d 940, 942-943 (CA 6, 1992); *Serbian Orthodox Diocese v Milivojevich*, 426 US 696, 713-714; 96 S Ct 2372; 49 L Ed 2d 151 (1976).

In this case, defendant’s form of government is set out in its constitution, and its election process is governed by the procedures set forth in its constitution. Therefore, because determining whether defendant’s election process was improper would also necessarily require a determination as to whether defendant violated its own policies and procedures, plaintiff’s claims were not within the trial court’s jurisdiction.

Affirmed.<sup>1</sup>

/s/ Henry William Saad  
/s/ Mark J. Cavanagh  
/s/ Bill Schuette

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<sup>1</sup> Despite the trial court’s error in concluding that the ecclesiastical abstention doctrine did not apply in this case, its disposition was nonetheless correct. “And we will not reverse the lower court when it reached the correct result, albeit for the wrong reason.” *Netter v Bowman*, 272 Mich App 289, 308; \_\_\_ NW2d \_\_\_ (2006).