

STATE OF MICHIGAN
COURT OF APPEALS

ALIA HASSAN, Minor, by her Next Friend,
KHAWAJA HASSAN a/k/a KHAWAJA HASSAN,
and ARIFA HASSAN,

UNPUBLISHED
April 14, 2011

Plaintiffs-Appellants,

v

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

No. 296354
Wayne Circuit Court
LC No. 08-125409-NF

Defendant-Appellee.

Before: FORT HOOD, P.J., and TALBOT and MURRAY, JJ.

PER CURIAM.

In this action seeking first-party personal injury protection benefits, plaintiffs, acting in propria persona, appeal as of right the trial court's order granting defendant's motions for summary disposition. We affirm.

Alia Hassan, a minor child born September 22, 2000, was allegedly injured in a hit and run accident on September 30, 2007. On October 6, 2008, her parents filed a complaint on her behalf alleging breach of contract for failing to pay personal injury protection (PIP) benefits and to provide uninsured motorist coverage. The trial court granted defendant's motions for partial summary disposition of the claims for uninsured motorist coverage and attendant care. The trial court also struck the affidavit of the minor child's treating physician.

On August 25, 2009, plaintiffs' counsel filed a motion to withdraw. In the motion, counsel alleged that the father of the minor child began yelling at the hearing on the motions for partial summary disposition held on May 15, 2009, and the trial court requested that the father be removed from the courtroom. Counsel also alleged that the father of the minor child came to his office on August 24, 2009, after receiving the orders denying reconsideration of the rulings regarding summary disposition. The father was screaming and refused to calm down. The police were called to remove him from the premises. The trial court granted the motion to withdraw.

On August 27, 2009, defendant filed a motion for partial summary disposition, addressing the remaining claim of household services. On September 11, 2009, the trial court granted a stay for thirty days to allow plaintiffs to retain new counsel. On October 16, 2009, the

trial court granted plaintiffs an additional extension of time to find new counsel and rescheduled the summary disposition hearing for December 4, 2009. Apparently, plaintiffs did not appear at the December 4, 2009, hearing when the trial court granted summary disposition of the remaining claim in defendant's favor. Plaintiffs filed objections to entry of the order granting summary disposition. On January 8, 2010, the trial court entered an order granting defendant's motion for summary disposition of the last pending claim. Plaintiffs appeal as of right.

The trial court's decision regarding a motion for summary disposition is reviewed de novo on appeal. *Kuznar v Raksha Corp*, 481 Mich 169, 175; 750 NW2d 121 (2008). The moving party has the initial burden to support its claim for summary disposition by affidavits, depositions, admissions, or other documentary evidence. *Quinto v Cross & Peters Co*, 451 Mich 358, 362; 547 NW2d 314 (1996). The burden then shifts to the nonmoving party to demonstrate a genuine issue of disputed fact exists for trial. *Id.* The nonmoving party may not rely on mere allegations or denials in the pleadings. Affidavits, depositions, and documentary evidence offered in support of, and in opposition to, a dispositive motion shall be considered only to the extent that the content or substance would be admissible as evidence. *Maiden v Rozwood*, 461 Mich 109, 120-121; 597 NW2d 817 (1999).

The appellant must provide the full record on appeal. *Band v Livonia Assoc*, 176 Mich App 95, 103-104; 439 NW2d 285 (1989). The Court will not consider any issue for which the appellant failed to produce the transcript. *PT Today, Inc v Comm'r of Fin & Ins Servs*, 270 Mich App 110, 151-152; 715 NW2d 398 (2006). A party must cite authority in support of its position. *Caldwell v Chapman*, 240 Mich App 124, 132; 610 NW2d 264 (2000). A party may not merely announce its position and expect this Court to discover and rationalize the basis for the claims. *Peterson Novelties, Inc v Berkley*, 259 Mich App 1, 14; 672 NW2d 351 (2003). Additionally, a party may not leave it to this Court to search for the factual basis offered in support of a position, but must correlate factual assertions to the location in the record. *Begin v Mich Bell Tel Co*, 284 Mich App 581, 590; 773 NW2d 271 (2009). When an appellant fails to challenge the basis of the ruling by the trial court, we need not even consider granting the party the relief requested. *Derderian v Genesys Health Care Sys*, 263 Mich App 364, 381; 689 NW2d 145 (2004).

On appeal, plaintiffs allege that the trial court erred by acting as the trier of fact. However, a review of the record on appeal reveals that plaintiffs failed to present the transcripts of the hearings on the three separate motions for partial summary disposition. Rather, plaintiffs only provided the transcript of the hearing regarding the *entry* of the order granting defendant's motion for summary disposition addressing household services. Because plaintiffs failed to produce the transcripts of the trial court's rulings, *PT Today*, 270 Mich App at 151-152, we cannot conclude that the trial court erred. Additionally, to obtain appellate relief, the appellant must explain the basis of the arguments with supporting citations to relevant authorities. *Goolsby v Detroit*, 419 Mich 651, 655 n 1; 358 NW2d 856 (1984). Plaintiffs contend that the trial court erred in failing to consider the testimony from the eyewitness to the accident. However, defendant did not dispute the nature of the accident, but rather, the threshold injury and the entitlement to PIP benefits. Accordingly, this challenge is without merit.

Plaintiffs also allege that the trial court erred by failing to listen to oral argument. The trial court may, in its discretion, limit or dispense with oral argument. MCR 2.119(E)(3). Therefore, this claim of error does not provide plaintiffs with appellate relief.

Although not raised in the statement of questions presented, plaintiffs ask this Court to appoint counsel to handle their case and to require defendant to pay the fee for the lawyer. Appointment of counsel is inappropriate because this matter involves a civil, not a criminal proceeding, and there is no allegation of a deprivation of plaintiffs' physical liberty. *Mead v Batchlor*, 435 Mich 480, 490; 460 NW2d 493 (1990). Accordingly, the request cannot be granted.

Affirmed.

/s/ Karen M. Fort Hood

/s/ Michael J. Talbot

/s/ Christopher M. Murray