

STATE OF MICHIGAN
COURT OF APPEALS

SHAWN WYGANT,

Plaintiff-Appellant,

v

MOLLY JUNE WYGANT, SUSAN WYGANT
and SHANNON WYGANT,

Defendants-Appellees.

UNPUBLISHED

November 19, 2009

No. 283735

Iosco Circuit Court

LC No. 07-003679-NO

Before: Meter, P.J., and Murphy, C.J., and Zahra, J.

MEMORANDUM.

Plaintiff appeals as of right the order of the trial court dismissing his complaint against his ex-wife, his brother, and his sister, for failure to state a claim upon which relief could be granted, MCR 2.116(C)(8). We affirm.

The complaint involved, in part, allegations of conspiracy to kidnap, child abuse, intentional infliction of emotional harm, false reporting of child abuse, and sexual exploitation of plaintiff's and defendant Susan Wygant's three children, but the factual allegations are vague and unclear. At the time this case was decided, plaintiff and defendant Susan Wygant were involved in an ongoing divorce case, which originated in Iosco Circuit Court but was transferred to Oakland Circuit Court in 2006 because Susan Wygant and the children resided in Oakland County. Plaintiff apparently resides in Livingston County, but asserted that some alleged criminal conduct on the part of defendants took place in Iosco County.

Eleven of plaintiff's claims arise from alleged violations of criminal and child protection statutes. Appended to the complaint are dozens of Iosco County felony complaint forms, all apparently filled out by plaintiff, bearing his signature as the complaining witness and listing himself as the plaintiff. The complaint also includes a vague claim of intentional infliction of emotional distress.

The trial court ruled that plaintiff failed to comply with the pleading requirements of MCR 2.111(A) and (B), and also MCR 2.113(E), and then dismissed the case on the ground that plaintiff failed to state a claim upon which relief could be granted. The trial court found plaintiff's claims to be "completely nonsensical." This Court reviews de novo a trial court's decision to summarily dismiss a complaint under MCR 2.116(C). *Kreiner v Fischer*, 471 Mich 109, 129; 683 NW2d 611 (2004).

The allegations in plaintiff's complaint are not "clear, concise, and direct." MCR 2.111(A)(1). Rather, the factual allegations are vague, repetitious, difficult to follow, and arise from varying transactions. Most importantly, plaintiff entirely fails to set forth the allegations in the context of formulating civil causes of action, identifying associated and necessary elements, and then relating alleged facts to the causes of action and elements. See MCR 2.111(B)(complaint must contain a statement of the facts on which the pleader relies in stating a cause of action, with the specific allegations necessary to reasonably inform the adverse party of the nature of the claims the adverse party is called on to defend). Furthermore, there was a complete failure to comply with MCR 2.113(E)(3), which requires a statement of a claim founded on a transaction or transactions to be stated in separately numbered counts. In sum, plaintiff "failed to state a claim on which relief can be granted." MCR 2.116(C)(8). Plaintiff's desire to assume the role of a criminal prosecutor is simply misguided.

Affirmed.

/s/ Patrick M. Meter
/s/ William B. Murphy
/s/ Brian K. Zahra