

Michigan Court of Appeals

DOCKETING STATEMENT

Case No:
Circuit: 2018-000153-CZ
Court of Appeals: 348702

Please read before completing form.

- MCR 7.204(H) and 7.205(D)(3) require an **appellant** in a civil action to complete and file a docketing statement within 28 days after the claim of appeal is filed or the application for leave to appeal is granted. Failure to timely file this document may lead to dismissal of the appeal. An appellee may respond by filing a separate docketing statement.
- This document will be used to screen the appeal for suitability and eligibility for the settlement conference program, and will be used to help resolve jurisdictional and transcript issues. It is important that you complete this form accurately and legibly.
- The issues identified in the docketing statement do not limit appellant's presentation of the issues in appellant's brief. Omission of an issue in the docketing statement will not provide a basis for a motion to strike appellant's brief.

1. Case Name:

SCOTTSDALE CAPITAL
ADVISORS CORPORATION

Appellant
 Appellee

Name of first Plaintiff

Address:

Telephone No:

Attorney Name: H. RHETT PINSKY Bar No: P18920
Address: PINSKY SMITH FAYETTE & KENNEDY LLP
146 MONROE CTR. ST. NW, STE. 805
GRAND RAPIDS, MI 49503-2818
Telephone No: (616) 451-8496

v

MICHAEL GOODE, and
MORNINGLIGHTMOUNTAIN, LLC

Appellant
 Appellee

Name of first Defendant

Address:

Telephone No:

Attorney Name: JOSEPH E. RICHOTTE Bar No: P70902
Address: BUTZEL LONG, PC
STONERIDGE WEST
41000 WOODWARD AVE.
BLOOMFIELD HILLS, MI 48304
Telephone No: (248) 258-1616

2. A bankruptcy or other proceeding has been filed which affects this Court's jurisdiction over this appeal.

Identify and explain.

3. There are pending or prior appeals in the Court of Appeals or Supreme Court which arose out of the same transaction, lower court case, or between the same parties.

Specify case name, lower court number, appellate court number(s), and citation, if available.

4. I am aware of the following pending appeals in the Court of Appeals or Supreme Court raising the same or closely related issues.

Specify case name, lower court number, appellate court number(s), and citation, if available.

RECEIVED BY MCOA 10/1/2019 8:12:54 AM

5. Identify **all** the lower court hearings.

Type of proceeding (i.e. motion, trial, etc.)	Date(s) Occurred	Court Reporter
MOT. SUMM. DISPO. HRG.	08/22/2018	
MOT. SUMM. DISPO. HRG.	12/14/2018	
MOT. SUMM. DISPO. HRG.	03/26/2019	

6. **Nature of case:**

- a. If the lower court case number provided on page 1 does not include a suffix, please specify the circuit court case code (i.e. NI, CK, etc): _____.
- b. Identify the procedural nature of the case being appealed.
- arbitration
 bench trial
 post-judgment action
 declaratory judgment
 interlocutory matter
 jury trial
 summary disposition
 administrative proceeding (specify agency) _____
 other (i.e. default judgment) _____

7. Briefly describe the nature of the action and the result in the trial court. Conclusory statements such as "the judgment of the trial court is not supported by law" are unacceptable. Attach additional pages as needed.

THIS IS A DEFAMATION ACTION. THE CIRCUIT COURT GRANTED SUMMARY DISPOSITION ON THE FIRST AMENDED AND SECOND AMENDED COMPLAINT, BUT DENIED SUMMARY DISPOSITION ON THE THIRD AMENDED COMPLAINT.

8. Briefly state the issues to be raised in this appeal. Attach additional pages as needed.

THE CIRCUIT COURT FAILED TO :

1. APPLY THE HEIGHTENED SCRUTINY STANDARD FOR DEFAMATION ACTIONS.
2. CONSIDER THE CHALLENGED STATEMENT IN CONTEXT.
3. ADDRESS THE RHETORICAL HYPERBOLE ARGUMENT.
4. APPLY THE SUBSTANTIAL-TRUTH DOCTRINE.
5. APPLY THE FAIR-COMMENT PRIVILEGE.

THE CIRCUIT COURT ALSO ERRONEOUSLY HELD THAT THE PLAINTIFF PLEADED FAULT.

9. The amount and terms of the judgment appealed are:

NOT APPLICABLE.

10. Settlement negotiations. (Check all boxes that apply.)

- Settlement negotiations have been conducted or are scheduled.
 Settlement is unlikely.
 Other _____

10/01/2019
Date


signature

RECEIVED by MCOA 10/1/2019 8:12:54 AM

Provide the Proof of Service on a separate form.