

STATE OF MICHIGAN  
COURT OF APPEALS

In Re James SHAKE,

Plaintiff-Appellant,

COA Case No. \_\_\_\_\_

v.

EXECUTIVE COURT ADMINISTRATOR OF THE  
WAYNE COUNTY CIRCUIT COURT,

Related to LCC No. 19-016384-NZ  
Hon. Kevin J. Cox

Defendant-Appellee.

---

Derk A. Wilcox (P66177)  
MACKINAC CENTER LEGAL FOUNDATION  
140 West Main Street  
Midland, MI 48640  
(989) 631-0900  
[wilcox@mackinac.org](mailto:wilcox@mackinac.org)  
*Attorney for Plaintiff-Appellant*

---

**PLAINTIFF-APPELLANT'S COMPLAINT APPENDIX**

Exhibit A – June 17, 2020 Circuit Court's transfer order  
Exhibit B – Plaintiff's June 30, 2020 letter to 36<sup>th</sup> with filing fee  
Exhibit C – September 14, 2020 36<sup>th</sup> District's letter returning filing fee  
Exhibit D – January 8, 2021 email from the 36<sup>th</sup> District Court  
Exhibit E – Plaintiff's April 2, 2021 letter to 36<sup>th</sup> District Court  
Exhibit F – April 20, 2021 letter from the 36<sup>th</sup> District Court  
Exhibit G – Circuit Court Docket



EXHIBIT A

EXHIBIT A

EXHIBIT A



STATE OF MICHIGAN  
IN THE THIRD JUDICIAL CIRCUIT COURT  
COUNTY OF WAYNE

JAMES SHAKE,  
An individual,

Plaintiff,

v.

INTERNATIONAL UNION, UNITED  
AUTOMOBILE, AEROSPACE AND  
AGRICULTURAL IMPLEMENT  
WORKERS OF AMERICA (UAW)

Defendant.

Case No. 19-016384-NZ

Hon. Kevin J. Cox

Derk A. Wilcox (P66177)  
MACKINAC CENTER LEGAL FOUNDATION  
140 West Main Street  
Midland, MI 48640  
(989) 631-0900  
[wilcox@mackinac.org](mailto:wilcox@mackinac.org)

John R. Canzano (P30417)  
MCKNIGHT, CANZANO, SMITH,  
RADTKE & BRAULT, P.C.  
423 N. Main Street, Suite 200  
Royal Oak, MI 48067  
(248) 354-9650  
[jcanzano@michworkerlaw.com](mailto:jcanzano@michworkerlaw.com)

**ORDER**

At a session of said Court, held  
in the Circuit Court for the County of Wayne,  
City of Detroit, State of Michigan,

on 6/17/2020

PRESENT: HONORABLE KEVIN J. COX  
CIRCUIT COURT JUDGE

For the reasons stated on the record at the hearing held in this matter on June 11, 2020, and after considering the briefing and arguments of the parties, the Court finds that it lacks jurisdiction in this matter and that exclusive jurisdiction lies in the 36th District Court. Pursuant to MCR 2.227,



**IT IS HEREBY ORDERED:**

1. This matter, in its entirety, is transferred to the 36th District Court;
  2. Plaintiff shall pay the applicable filing fees directly to the 36th District Court;
  3. The Court declines to award any costs or attorney fees under MCR 2.227(B)(1);
- and
4. The clerk of this court must prepare the case records for transfer and send them to the 36th District Court as provided in MCR 2.227(B)(2)

Approved as to form:

/s/ John R. Canzano

McKNIGHT, CANZANO, SMITH,  
RADTKE & BRAULT, P.C.  
JOHN R. CANZANO (P30417)  
423 N. Main Street, Suite 200  
Royal Oak, MI 48067  
248-354-9650  
[jcanzano@michworkerlaw.com](mailto:jcanzano@michworkerlaw.com)

/s/ Derk A. Wilcox (with permission)

Derk A. Wilcox (P66177)  
MACKINAC CENTER LEGAL FOUNDATION  
140 West Main Street  
Midland, MI 48640  
(989) 631-0900  
[wilcox@mackinac.org](mailto:wilcox@mackinac.org)

/s/ Kevin J. Cox 6/17/2020  
CIRCUIT COURT JUDGE



EXHIBIT B

EXHIBIT B

EXHIBIT B



MACKINAC CENTER  
LEGAL FOUNDATION

EX B.

June 30, 2020

Clerk of the Court  
36<sup>th</sup> Judicial District  
421 Madison Street  
Detroit, MI 48226

Re: **Transfer of *James Shake v International UAW*, 19-016384-NZ  
from 3<sup>rd</sup> Circuit Court**

Dear Clerk,

The above referenced case was transferred to this court from the Wayne County Circuit Court. I have attached that court's order directing the transfer.

I am the Plaintiff's attorney in that matter, and I am required to pay the filing fee. I have attached a check for \$160 for that purpose. If there are any questions or any difficulties, please contact me at (734) 205-8601 or [wilcox@mackinac.org](mailto:wilcox@mackinac.org).

Thank you for your attention to this matter.

Regards,

  
Derk A. Wilcox  
Senior Attorney

Enc.

36TH DISTRICT COURT  
CIVIL DIVISION  
2020 JUL 10 A 9:10

Ex. B.

RECEIVED by MCOA 2/15/2023 3:46:23 PM



STATE OF MICHIGAN  
IN THE THIRD JUDICIAL CIRCUIT COURT  
COUNTY OF WAYNE

JAMES SHAKE,  
An individual,

Plaintiff,

Case No. 19-016384-NZ

Hon. Kevin J. Cox

v.

INTERNATIONAL UNION, UNITED  
AUTOMOBILE, AEROSPACE AND  
AGRICULTURAL IMPLEMENT  
WORKERS OF AMERICA (UAW)

Defendant.

Derk A. Wilcox (P66177)  
MACKINAC CENTER LEGAL FOUNDATION  
140 West Main Street  
Midland, MI 48640  
(989) 631-0900  
[wilcox@mackinac.org](mailto:wilcox@mackinac.org)

John R. Canzano (P30417)  
MCKNIGHT, CANZANO, SMITH,  
RADTKE & BRAULT, P.C.  
423 N. Main Street, Suite 200  
Royal Oak, MI 48067  
(248) 354-9650  
[jcanzano@michworkerlaw.com](mailto:jcanzano@michworkerlaw.com)

**ORDER**

At a session of said Court, held  
in the Circuit Court for the County of Wayne,  
City of Detroit, State of Michigan,

on 6/17/2020

PRESENT: HONORABLE KEVIN J. COX  
CIRCUIT COURT JUDGE

For the reasons stated on the record at the hearing held in this matter on June 11, 2020, and after considering the briefing and arguments of the parties, the Court finds that it lacks jurisdiction in this matter and that exclusive jurisdiction lies in the 36th District Court. Pursuant to MCR 2.227,

36TH DISTRICT COURT  
CIVIL DIVISION  
2020 JUL 10 A 9:10

RECEIVED by MCOA 2/15/2023 3:46:23 PM

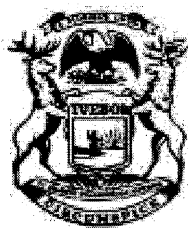


EXHIBIT C

EXHIBIT C

EXHIBIT C





State of Michigan  
**36<sup>th</sup> District Court**  
 421 Madison  
 Detroit, Michigan 48226-2358

WILLIAM C. MCCONICO  
 CHIEF JUDGE

RECEIVED SEP 21 2020

LAWANDA CROSBY  
 INTERIM COURT ADMINISTRATOR

TERA JACKSON-DAVIS  
 DIRECTOR

PHONE (313) 965-8624  
 FAX: (313) 967-7551  
 Tera.Jackson-Davis@36thdistrictcourt.org

Date: September 14, 2020

The Civil/Landlord Tenant Division-Cashier Department is returning and cannot process the following item(s):

- ☐ Business Check Number \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ is incorrect. The correct fee is \$ \_\_\_\_\_.
- ☐ All business checks must contain the pre-printed name and address of the company.
- ☐ Money orders and certified checks must be made payable to 36<sup>th</sup> District Court.
- ☐ No personal checks are accepted.
- ☐ \$20.00 Motion Fee must be paid.
- ☐ Return writ of garnishment with \$15.00 filing fee made payable to the 36<sup>th</sup> District Court.
- ☐ The Court will return the paperwork issued for you to serve. The writ of garnishment should be sent Certified Mail to the garnishee defendant.
- ☐ The Landlord Tenant case is incorrect and is being returned for the following reason(s):
  - ☐ The Complaint/Summons is incorrect or incomplete.
  - ☐ Not enough copies of notice to quit/land contract forfeiture notice.
  - ☐ The complaint/notice to quit is not signed.
  - ☐ No self-addressed, stamped envelope enclosed for defendant.
  - ☐ Garnishee and judgment payments must be paid directly to the plaintiff or plaintiff's attorney.
- ☐ Incorrect check amounts. A current Fee Schedule is attached for your reference.
- ☒ **Change of Venue and check #1135 for \$160 rejected – Since Third Circuit Court hasn't sent over the file for "19-016384-NZ," a Register of Actions for the case is needed before the case can be created at 36<sup>th</sup> District Court.**

NOTE: If you/your company chooses to use computer printed forms, you must place carbon paper between each sheet so our staff can properly validate your filings.

Casmira Stewart  
 Cashier  
 Civil/Landlord Tenant Division – Cashier Department  
 Phone: (313) 965-3864

*"It is the goal of the 36<sup>th</sup> District Court to administer justice in accordance with the laws of the State of Michigan in a manner that promotes the public's trust"*



EXHIBIT D

EXHIBIT D

EXHIBIT D



## Transfer of James Shake v International UAW

Jones, Vanessa <Vanessa.Jones@36thdistrictcourt.org>

Fri 1/8/2021 10:54 AM

To: Wilcox, Derk <Wilcox@mackinac.org>

 1 attachments (209 KB)

Shake v International UAW - D. Wilcox.pdf;

Hello Mr. Wilcox,

First let me apologize for the long delay in responding to your letter dated November 11 ,2020. Due to the current Pandemic of COVID 19, the 36<sup>th</sup> District Court has been closed (November 18, 2020 – January 4, 2021).

After reviewing your letter, I discovered we sent you letter and return your check to you September 14, 2020 with an explanation (see attached), To date, we have not received an order of transfer and/or a case file from the 3<sup>rd</sup> Circuit Court. You may want to contact the 3<sup>rd</sup> Circuit Court regarding the transferring of your case.

Thank you,

Vanessa Jones, Manager

Civil/Landlord-Tenant Division

36<sup>th</sup> District Court

421 Madison

Detroit, MI 48226

313-965-5687

vanessa.jones@36thdistrictcourt.org

----- This message and any attachments originated from a computer at the 36th District Court. They may contain information that is privileged and confidential and are intended only for the use of the addressee(s). If the reader of this message is not the intended recipient (or authorized representative), you are hereby notified that any dissemination of this communication is prohibited. If you received this communication in error, notify the sender immediately by return email and delete the message and any attachments from your system. Furthermore, every effort has been made to ensure protection against virus infections. The 36th District Court cannot accept responsibility for any viruses. Consequently, please ensure that all attachments are checked for viruses prior to opening.

RECEIVED by MCOA 2/15/2023 3:46:23 PM



EXHIBIT E

EXHIBIT E

EXHIBIT E



DERK A. WILCOX 08-14

1153

6-12/410

696

Ex. E

4/2/21

Date

ER  
TION

Pay to the Order of Clerk of the Court \$ 160.00

One hundred and sixty 00/100

Dollars



Photo  
Safe  
Deposit®  
Details on back

PNC BANK

PNC Bank, N.A. 070

For Filing fee  
Transfer of Shake v. UAW

⑆041000124⑆ 4108768888⑈ 1153

Mackinac State

30 Judicial District  
421 Madison Street  
Detroit, MI 48226

Re: **Transfer of James Shake v International UAW, 19-016384-NZ**  
**from 3<sup>rd</sup> Circuit Court**

Dear Clerk,

I am the plaintiff's attorney in the above-referenced matter. The above referenced case was ordered transferred to this court from the Wayne County Circuit Court. I have attached that court's order directing the transfer. This order was made last June, and we had sent the check to your District Court for that purpose on June 30, 2020. However, with the COVID-related closures, apparently the case file was not sent to you, and our check was returned to us.

I had a recent phone conversation with a judge's clerk at the Circuit Court, and they said they would email the court clerk to have it sent over. I don't know if it has been received yet by your court. But I am again sending the required filing fee in the anticipation that you will soon receive the file. I have attached a check for \$160 for that purpose. If there are any questions or any difficulties, please contact me at (734) 205-8601 or [wilcox@mackinac.org](mailto:wilcox@mackinac.org).

Thank you for your attention to this matter. Stay safe.

Regards.

Derk A. Wilcox  
Senior Attorney

Enc.

RECEIVED by MCOA 2/15/2023 3:46:23 PM

Ex. E



EXHIBIT F

EXHIBIT F

EXHIBIT F





State of Michigan  
36<sup>th</sup> District Court

421 Madison  
Detroit, Michigan 48226-2358  
[www.36thdistrictcourt.org](http://www.36thdistrictcourt.org)

Ex. F

WILLIAM C. MCCONICO  
CHIEF JUDGE

LAWANDA CROSBY  
COURT ADMINISTRATOR

TERA JACKSON-DAVIS  
DIRECTOR

PHONE (313) 965-8624

FAX: (313) 967-7551

[Tera.Jackson-Davis@36thdistrictcourt.org](mailto:Tera.Jackson-Davis@36thdistrictcourt.org)

Date: April 20, 2021

Your documents are being returned for the following reasons(s):

- ☐ No case number
- ☐ Incorrect case number
- ☐ Party not a litigant on case
- ☐ Requested Judgment amount greater than original Complaint
- ☐ Name of Plaintiff/Defendant different from original filing
- ☐ Need Judgment form (3 copies)
- ☐ Need Default form (3 copies)
- ☐ Pleadings filed at wrong Court
- ☐ Foreign judgment has no seal
- ☐ Service needs to be mailed in separately (different department)
- ☐ Default Judgment form needs to be notarized
- ☐ Need proof of service for 1<sup>st</sup> class mail for:
- ☐ Fees not paid
- ☐ Active Duty Status Report needed
- ☒ Other: Missing complete case

Respectfully submitted,

  
Erica Varnes, Deputy Court Clerk II  
Civil/Landlord-Tenant Division  
Phone: (313) 965-8797

RECEIVED by MCOA 2/15/2023 3:46:23 PM

Ex. F



EXHIBIT G

EXHIBIT G

EXHIBIT G



## REGISTER OF ACTIONS

[CASE NO. 19-016384-NZ](#)

### PARTY INFORMATION

<b>Defendant</b>	<b>International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW)</b>	<b>Attorneys</b> <b>John R. Canzano</b> <i>Retained</i> (248) 354-9650(W)
<b>Plaintiff</b>	<b>Shake, James</b>	<b>Derk A. Wilcox</b> <i>Retained</i> (989) 631-0900(W)

### EVENTS & ORDERS OF THE COURT

#### OTHER EVENTS AND HEARINGS

12/06/2019 **Complaint, Filed**  
12/06/2019 **Service Review Scheduled**  
12/06/2019 **Status Conference Scheduled**  
12/06/2019 **[Case Filing Fee - Paid](#)**  
12/06/2019 **[Exhibit, Filed](#)**  
01/15/2020 **[Appearance of Attorney, Filed](#)**  
01/15/2020 **[Proof of Service, Filed](#)**  
01/24/2020 **[Exhibit, Filed](#)**  
01/24/2020 **[Brief, Filed](#)**  
01/24/2020 **[Proof of Service, Filed](#)**  
01/24/2020 **[Motion to Dismiss, Filed](#)**  
01/24/2020 **[Exhibit, Filed](#)**  
01/27/2020 **[Notice of Hearing, Filed](#)**  
01/27/2020 **[Proof of Service, Filed](#)**  
01/27/2020 **[Proof of Service, Filed](#)**  
01/31/2020 **[Praecipe, Filed](#)** (Judicial Officer: Cox, Kevin J. )  
02/06/2020 **[Brief, Filed](#)**  
02/06/2020 **[Motion for Summary Judgment/Disposition, Filed](#)**  
02/06/2020 **[Notice of Hearing, Filed](#)**  
02/06/2020 **[Exhibit, Filed](#)**  
02/06/2020 **[Proof of Service, Filed](#)**  
02/07/2020 **[Exhibit, Filed](#)**  
02/07/2020 **[Proof of Service, Filed](#)**  
02/12/2020 **[Proof of Service, Filed](#)**  
02/12/2020 **[Exhibit, Filed](#)**  
02/20/2020 **[Proof of Service, Filed](#)**  
02/20/2020 **[Brief, Filed](#)**  
02/26/2020 **[Praecipe, Filed](#)** (Judicial Officer: Cox, Kevin J. )  
02/26/2020 **[Order, Signed and Filed](#)**  
04/10/2020 **[Order, Signed and Filed](#)**  
04/30/2020 **[Proof of Service, Filed](#)**  
04/30/2020 **[Brief, Filed](#)**  
05/13/2020 **[Exhibit, Filed](#)**  
05/13/2020 **[Proof of Service, Filed](#)**  
05/14/2020 **[Proof of Service, Filed](#)**  
05/14/2020 **[Brief, Filed](#)**  
05/22/2020 **[Order, Signed and Filed](#)**  
06/05/2020 **[Reply to Brief, Filed](#)**  
06/05/2020 **[Proof of Service, Filed](#)**  
06/11/2020 **CANCELED Status Conference** (11:00 AM) (Judicial Officer Cox, Kevin J.)  
Dismiss Hearing or Injunction  
03/03/2020 Reset by Court to 04/13/2020  
03/06/2020 Reset by Court to 03/03/2020  
04/13/2020 Reset by Court to 05/28/2020  
05/28/2020 Reset by Court to 06/11/2020  
06/11/2020 **Motion Hearing** (11:00 AM) (Judicial Officer Cox, Kevin J.)  
02/27/2020 Reset by Court to 04/09/2020  
04/09/2020 Reset by Court to 05/28/2020  
05/28/2020 Reset by Court to 06/11/2020  
Result: Held  
06/11/2020 **Motion Hearing** (11:00 AM) (Judicial Officer Cox, Kevin J.)  
04/09/2020 Reset by Court to 05/28/2020  
05/28/2020 Reset by Court to 06/11/2020  
Result: Held  
06/11/2020 **Closed - Motion to Transfer Granted, Order to Follow** (Judicial Officer: Cox, Kevin J. )  
06/12/2020 **[Proof of Service, Filed](#)**

RECEIVED by MCOA 2/15/2023 3:46:23 PM



06/17/2020 **Final - Ord'r Removing Case to District Crt, Signed and Filed**  
 06/18/2020 **CANCELED Settlement Conference** (8:30 AM) (Judicial Officer Cox, Kevin J.)  
*Dismiss Hearing or Injunction*  
 04/26/2021 **Miscellaneous Motion, Filed**  
 04/26/2021 **Proof of Service, Filed**  
 11/04/2021 **Praecipe, Filed** (Judicial Officer: Hegarty, Charles S. )  
 11/05/2021 **Motion Hearing** (9:00 AM) (Judicial Officer Hegarty, Charles S.)  
 Result: Reviewed by Court

---

**FINANCIAL INFORMATION**


---

	<b>Plaintiff</b> Shake, James		
	Total Financial Assessment		235.00
	Total Payments and Credits		235.00
	<b>Balance Due as of 12/19/2022</b>		<b>0.00</b>
12/06/2019	Transaction Assessment		175.00
12/06/2019	eFiling	Receipt # 2019-100717	(175.00)
01/27/2020	Transaction Assessment		20.00
01/27/2020	eFiling	Receipt # 2020-07884	(20.00)
02/07/2020	Transaction Assessment		20.00
02/07/2020	eFiling	Receipt # 2020-11914	(20.00)
04/28/2021	Transaction Assessment		20.00
04/28/2021	eFiling	Receipt # 2021-32771	(20.00)
		Mackinac Center Legal Foundation	
		McKnight, Canzano, Smith, Radtke & Brault, P.C.	
		Mackinac Center Legal Foundation	
		Mackinac Center Legal Foundation	