

STATE OF MICHIGAN
COURT OF APPEALS

WALTER MOORE,

Plaintiff-Appellant,

v

MICHAEL J. HACKETT,

Defendant-Appellee.

UNPUBLISHED

May 13, 1997

No. 192495

Otsego Circuit Court

LC No. 95-6261 CP

Before: Corrigan, C.J., and Young and M.J. Talbot*, JJ.

MEMORANDUM.

Plaintiff appeals by right summary disposition in favor of defendant. This case is being decided without oral argument pursuant to MCR 7.214(E).

The present lawsuit arises out of the same attorney-client relationship and relates to the same subject matter within that relationship as the prior lawsuit litigated to unsuccessful conclusion in 1991. Michigan's broad rule of res judicata bars the present action: as the present claims could have been brought by plaintiff in the 1991 action, the rule of preclusion bars them from being litigated now, whether or not they were raised at that time. *Gose v Monroe Auto Equipment Co*, 409 Mich 147, 160; 249 NW2d 145 (1980). This is what is meant by "the same facts or evidence" as discussed in *Jones v State Farm Ins Co*, 202 Mich App 393, 401; 509 NW2d 829 (1993), citing *Gose, supra*.

Affirmed.

/s/ Maura D. Corrigan

/s/ Robert P. Young, Jr.

/s/ Michael J. Talbot

* Circuit judge, sitting on the Court of Appeals by assignment.