

STATE OF MICHIGAN
COURT OF APPEALS

KENNETH C. BRACCO and BEVERLY BRACCO,

UNPUBLISHED

Plaintiffs-Appellees/ Cross-Appellants,

v

No. 185303

ROBERT VERCRUYSSSE and BUTZEL LONG,
P.C.,

Houghton Circuit Court
LC No. 93-008512-NZ

Defendants-Appellants/Cross-Appellees.

Before: O'Connell, P.J., and Sawyer and Markman, JJ.

MARKMAN, J., (concurring).

I concur with the majority opinion except that I believe its analysis concerning whether plaintiff was a "public figure" for purposes of the libel law is unnecessary. As the majority correctly observes, "regardless of whether Bracco was a public or private figure, a statement must be reasonably interpreted as stating an actual fact about an individual . . ." as opposed to mere opinion. Because defendant's statements were mere opinion -- or else were clearly factual assertions -- no libel occurred here. It is therefore unnecessary to address the question whether plaintiff is properly characterized as a "public" or "private" figure for purposes of the libel law.

/s/ Stephen J. Markman