

STATE OF MICHIGAN
COURT OF APPEALS

EKLAS OROW,

Plaintiff-Appellant,

v

METRO DETROIT INVESTMENT CO.,

Defendant-Appellee.

UNPUBLISHED

April 2, 1999

No. 199190

Oakland Circuit Court

LC No. 96-512007 CZ

Before: Smolenski, P.J., and White and Markman, JJ.

WHITE, J. (concurring in part and dissenting in part).

I agree that on the record presented, the circuit court did not err in granting summary disposition dismissing the complaint, which, notwithstanding isolated references to “any and all guarantees,” clearly pertained only to plaintiff’s guarantees regarding Skyway Supermarket. I conclude, however, that the court did not err in reading the complaint as including a claim for rescission and in granting summary disposition to defendant with respect to that claim.

I agree that plaintiff made no showing of a viable silent fraud claim regarding the Skyway guarantee, and I conclude there was no showing of a genuine issue with respect to illegality.

Lastly, I note that plaintiff’s claims with respect to guarantees relating to Orow Market’s indebtedness were never properly a part of this case, and are not decided.

/s/ Helene N. White