STATE OF MICHIGAN

COURT OF APPEALS

WILLIAM THORNTON LUTHER,

Plaintiff-Appellant,

v

MARY ELLEN LUTHER,

Defendant-Appellee.

UNPUBLISHED
December 28, 1999

No. 214317
Kent Circuit Court
LC No. 98-006420 NO

Before: Saad, P.J., and McDonald and Gage, JJ.

MEMORANDUM.

Plaintiff appeals as of right the circuit court order granting defendant's motion for summary disposition pursuant to MCR 2.116(C)(7) and (8). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff filed this defamation action on June 22, 1998, alleging that defendant made false allegations against him in the course of their divorce proceedings. Defendant moved for summary disposition pursuant to MCR 2.116(C)(7) and (8), asserting that the action was barred by the statute of limitations, and that her statements made in the course of judicial proceedings were entitled to absolute privilege. The trial court granted the motion on both grounds, and awarded defendant nominal attorney fees of $100.

Under MCL 600.5805(7); MSA 27A.5805(7) the period of limitations in one year for an action charging libel or slander. The statute of limitations runs from the time of publication even if the person defamed only learns of the statement at a later time. *Wilson v Knight-Ridder Newspapers, Inc,* 190 Mich App 277; 475 NW2d 388 (1991); *Hawkins v Justin,* 109 Mich App 743; 311 NW2d 465 (1981). The trial court properly granted summary disposition under MCR 2.116(7) where the affidavit on which the claim was based was signed on April 26, 1994.

Statements made in the course of judicial proceedings are absolutely privileged as along as the statements are relevant, material, or pertinent to the issues being tried. *Timmis v Bennett,* 352 Mich 355; 89 NW2d 748 (1958); *Couch v Schultz,* 193 Mich App 292; 483 NW2d 684 (1992).

Where absolute privilege applies, there can be no action for defamation. *Id.* The trial court properly granted defendant's motion for summary disposition under MCR 2.116(C)(8).

Affirmed.

/s/ Henry William Saad
/s/ Gary R. McDonald
/s/ Hilda R. Gage