

STATE OF MICHIGAN
COURT OF APPEALS

SOLOMON KATZ,

Plaintiff-Appellant,

v

RONALD J. SPAULDING and ANTOINETTE E.
SPAULDING,

Defendants-Appellees.

UNPUBLISHED

July 9, 2002

No. 231318

Wayne Circuit Court

LC No. 99-927179-CH

Before: Whitbeck, C.J., and O'Connell and Meter, JJ.

O'CONNELL, J. (*dissenting*).

I respectfully dissent. Indeed, I concur with the learned trial court, who was in the best position to assess the record evidence, that material, genuine issues for the trier of fact regarding plaintiff's claim of a prescriptive easement did not exist to warrant trial. Accordingly, I would affirm.

/s/ Peter D. O'Connell