

STATE OF MICHIGAN
COURT OF APPEALS

UNION LAKE, INC.,

Plaintiff-Appellee,

v

FATIN T. KASED, FAWZI KASED and FLR,
INC.,

Defendants-Appellants.

UNPUBLISHED
September 10, 2002

No. 233289
Oakland Circuit Court
LC No. 98-004637-CK

Before: White, P.J., and Jansen and Neff, JJ.

WHITE, P.J. (*dissenting*).

I respectfully dissent because I conclude that the counter-complaint adequately pleaded a fraud claim and that defendants presented sufficient evidence to demonstrate the existence of a genuine issue of material fact regarding whether Kouza made material misrepresentations regarding the sales volume of the store and the lottery receipts, upon which Kased relied in purchasing the store.

/s/ Helene N. White