

STATE OF MICHIGAN  
COURT OF APPEALS

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CLAIRE EVELYN RYAN,

Plaintiff-Appellee,

v

TIMOTHY J. RYAN and CHRIS RYAN,

Defendants-Appellants.

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FOR PUBLICATION

January 15, 2004

9:00 a.m.

No. 240695

Kent Circuit Court

LC No. 01-09528-DZ

Updated Copy

March 26, 2004

Before: Cooper, P.J., and Fitzgerald and Kelly, JJ.

COOPER, P.J. (*concurring in part and dissenting in part*).

I concur with the majority opinion that this case is moot as it has been dismissed and plaintiff has reached the age of majority. It is clear from the factual scenario that this is a most unusual case and unlikely to recur. Because the issues presented on appeal no longer rest upon existing facts or rights, I believe it is unnecessary to address these issues as they have no practical effect on the case.<sup>1</sup>

However, I respectfully dissent from the majority opinion reversing and remanding to the trial court. This case was voluntarily dismissed. I fail to see how we can logically reverse a dismissal and then remand the case to the trial court to have the court enter another dismissal.

/s/ Jessica R. Cooper

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<sup>1</sup> *Federated Publications, Inc v City of Lansing*, 467 Mich 98, 112; 649 NW2d 383 (2002).