

STATE OF MICHIGAN  
COURT OF APPEALS

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HERALD WHOLESALE, INC,

Plaintiff-Appellant,

v

DEPARTMENT OF TREASURY,

Defendant-Appellee.

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FOR PUBLICATION

July 6, 2004

9:10 a.m.

No. 245644

Court of Claims

LC No. 02-000002-MT

Official Reported Version

Before: Murray, P.J., and Neff and Donofrio, JJ.

MURRAY, P.J. (*concurring*).

I concur in the result reached by the majority reversing the Court of Claims order granting defendant's motion for summary disposition. I also agree with the majority's analysis, except as it pertains to any discussion of 2002 PA 603. Passed after the years relevant to this case, 2002 PA 603 is wholly inapplicable to this case and, therefore, cannot be instructive to any analysis or decision of this appeal. Accordingly, any discussion regarding the meaning or intent of 2002 PA 603 is obiter dictum because it is unnecessary for a proper resolution of this appeal. *Bauer v Garden City*, 163 Mich App 562, 570-571; 414 NW2d 891 (1987).

/s/ Christopher M. Murray