

STATE OF MICHIGAN
COURT OF APPEALS

KATHY KOWALSKI, DAVID BARNABY,
FRED HYATTS, MAURICE CURRAN, and
LINDA CURRAN,

Plaintiffs-Appellants,

v

CITY OF LIVONIA,

Defendant-Appellee.

FOR PUBLICATION
July 26, 2005
9:20 a.m.

No. 255623
Wayne Circuit Court
LC No. 03-338095-CZ

Official Reported Version

Before: O'Connell, P.J., and Schuette and Borrello, JJ.

SCHUETTE, J. (*concurring in the result only*).

I would affirm the decision of the trial court. In contrast to the analysis of my distinguished colleague Judge Peter D. O'Connell, I believe this Court's decision in *Morgan v City of Grand Rapids*, 267 Mich App __; __ NW2d __ (2005), is dispositive of this case.

The one-year statute of limitations, MCL 600.308a(3), as explained in *Taxpayers Allied for Constitutional Taxation v Wayne Co*, 450 Mich 119, 124-125 n 7; 537 NW2d 596 (1995), applies to the plaintiffs' cause of action in this matter.

/s/ Bill Schuette