

STATE OF MICHIGAN
COURT OF APPEALS

LEUWANIA BYGRAVE,

UNPUBLISHED

Plaintiff-Appellant/Cross-Appellee,

v

No. 196949

Oakland Circuit Court

LC No. 95-494181 CK

STANLEY R. VAN REKEN and HARRIET E.
VAN REKEN,

Defendants-Appellees/Cross-
Appellants,

and

BANNER REALTY & INVESTMENT and JOHN
E. MCCAUSLIN,

Defendants-Appellees.

Before: McDonald, P.J., and O'Connell and Smolenski, JJ.

McDONALD, P.J. (dissenting).

I would affirm the trial court's order granting defendant's motion for summary disposition and dismissal of plaintiff's first amended complaint on the ground that plaintiff's failure to pursue the issues in the prior district court summary proceedings barred her claims. *Sprauge v Buhagiar*, 213 Mich App 310; 539 NW2d 587 (1995).

The plaintiff should have appealed the district court's decision refusing to hear plaintiff's affirmative defenses. Plaintiff was not denied due process of law because she had a right to appeal to circuit court.

/s/ Gary R. McDonald