

STATE OF MICHIGAN
COURT OF APPEALS

SOLOMON KATZ,

Plaintiff/Counterdefendant-
Appellant,

v

RONALD J. SPAULDING and ANTOINETTE E.
SPAULDING,

Defendants/Counterplaintiffs-
Appellees.

UNPUBLISHED

August 2, 2005

No. 253204

Wayne Circuit Court

LC No. 99-927176-CH

Before: Borrello, P.J. and Bandstra and Kelly, JJ.

MEMORANDUM.

Plaintiff appeals as of right the trial court's order of judgment in defendants' favor assessing costs and attorney fees against plaintiff. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

This court reviews a trial court's decision to award attorney fees for an abuse of discretion. *HA Smith Lumber & Hardware Co v Decina (On Remand)*, 265 Mich App 380, 383; 695 NW2d 347 (2005). An award of sanctions based on a frivolous complaint is reviewed under a clearly erroneous standard. *Lakeside Oakland Development, LC v H & J Beef Co*, 249 Mich App 517, 532; 644 NW2d 765 (2002). We find no abuse of discretion or clear error in this case. Although the trial court erred in relying on general equitable principles rather than MCL 600.2591 in assessing fees, we will not reverse when the trial court reached the right result for the wrong reason. *Taylor v Laban*, 241 Mich App 449, 458; 616 NW2d 229 (2000). The evidence and the court's findings indicate that plaintiff abused the process in pursuing his claim for purposes of harassing defendants or "emptying" defendants' wallets. Attorney fees were, therefore, properly assessed. *Meagher v Wayne State University*, 222 Mich App 700, 727-729; 565 NW2d 401 (1977).

Affirmed.

/s/ Stephen L. Borrello

/s/ Richard A. Bandstra

/s/ Kirsten Frank Kelly