

STATE OF MICHIGAN  
COURT OF APPEALS

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SUSAN SHIELDS,

Plaintiff-Appellee,

v

CURTIS BLESSING and AMANDA  
VANDUSEN,

Defendants-Appellants.

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UNPUBLISHED

November 16, 2006

No. 262426

Oakland Circuit Court

LC No. 2003-053202-NZ

Before: Whitbeck, C.J., and Cavanagh and Schuette, JJ.

WHITBECK, C.J. (*dissenting*).

I respectfully dissent. In my view, the majority relies almost entirely upon the self-serving statements of Dr. Brian Schiller to uphold the trial court's order denying the defendants' motion for frivolous lawsuit sanctions. These statements, even if accepted as true, go to *defendants'* behavior and have little, if any, bearing on whether the *plaintiff's* lawsuit was frivolous. I would reverse and remand.

/s/ William C. Whitbeck