

STATE OF MICHIGAN
COURT OF APPEALS

JOHN B. O'DAY,

UNPUBLISHED
August 23, 1996

Plaintiff-Appellant,

v

No. 178886
LC No. 93-024258

JOHN BADOUD, VALLEY MEDIA, INC.,
GENESEE COUNTY NEWSPAPERS, INC., and
ADVANCE NEWSPAPERS,

Defendants-Appellees.

Before: MacKenzie, P.J. and Saad and Youngblood,* JJ.

PER CURIAM.

Plaintiff appeals from the circuit court's orders which dismissed his claims against defendants. Plaintiff sued defendants, his former employers, for wrongful discharge under a variety of legal theories. Defendants moved for summary disposition pursuant to MCR 2.116(C)(10); the circuit judge ultimately granted summary disposition in favor of defendants on all claims and we affirm.

Plaintiff contends that summary disposition was improper because there is a genuine issue of material fact regarding the existence of an oral contract for continued employment. However, because plaintiff signed an employment application and a waiver which stated that his employment was at will, the circuit judge did not err by granting summary disposition pursuant to MCR 2.116(C)(10). Any alleged prior oral contract made by the parties was modified by the written, signed documents which stipulated that plaintiff was an employee at will. *Nieves v Bell Industries*, 204 Mich App 459, 463; 517 NW2d 235 (1994).

Plaintiff also argues that the circuit court erred by granting summary disposition of his promissory estoppel claim. The trial court did not err. On August 3, 1994, another panel of this Court ordered the circuit court to grant defendant's motion for summary disposition of plaintiff's promissory estoppel claim. *O'Day v Badoud*, unpublished order of the Court of Appeals, decided August 3, 1994

(Docket No. 174740). That prior decision is the law of the case and binding. *Bruce Twp v Gout (After Remand)*, 207 Mich App 554, 557; 526 NW2d 40 (1994).

Affirmed.

/s/ Barbara B. MacKenzie

/s/ Henry William Saad

/s/ Carole F. Youngblood