

STATE OF MICHIGAN
COURT OF APPEALS

LYNN W. FINK,

UNPUBLISHED

Plaintiff-Appellee,

v

No. 188167

Oakland Circuit Court

DANIEL L. FINK,

LC No. 95-492076-NO

Defendant-Appellant

Before: White, P.J., and Griffin and D.C. Kolenda,* JJ.

KOLENDA, J. (concurring).

Although I agree completely with my colleagues' ultimate decisions in this case, I write separately because, with regard to the trial court's grant of summary disposition, their opinion inadvisably addresses far more than is necessary. This Court's opinion in *Alterman v Provizer*, 195 Mich App 422; 491 NW2d 868 (1992), dictated what the lower court did in this case and dictates an affirmance. There are some differences between that case and this one, but those differences enhance, they do nothing to undermine, its applicability here. Accordingly, not only is it appropriate for this Court to simply cite *Alterman* as dispositive, *Upjohn Co v New Hampshire Ins Co*, 438 Mich 197, 207, fn 7; 476 NW2d 392 (1991), it is inadvisable to do more. Cf., *Roberts v Auto-Owners Ins Co*, 422 Mich 5 94, 597-598; 374 NW2d 905 (1985). Six pages of discussion dilute the strength of the conclusion that this case is frivolous, meriting summary dismissal and the imposition of hefty sanctions for its filing. MCR 2.114(E) and (F).

/s/ Dennis C. Kolenda

* Circuit judge, sitting on the Court of Appeals by assignment.