

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of the Estate of CHRISTOPHER  
JAMES RIES, a Minor.

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LINDA FOLSOM and DANIEL BOONE,

Petitioners - Appellees,

v

RUSSELL DAHLSTROM,

Respondent-Appellant.

and

SUSAN M. DAHLSTROM,

Respondent.

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UNPUBLISHED

September 26, 1997

No. 191363

Antrim Probate Court

LC No. 92-009018-GD

Before: Cavanagh, P.J., and Holbrook, Jr., and Jansen, JJ.

PER CURIAM.

Respondent Russell Dahlstrom appeals by right from an order denying his motion for a new trial and finding him jointly and severally liable with Susan Dahlstrom for \$8,189.95 in costs and attorney fees. This case arose after Russell and Susan Dahlstrom were appointed as limited guardians of the minor, Christopher James Ries. Subsequently, Ries' mother, Linda Folsom, successfully petitioned for termination of the limited guardianship and moved for a judgment to collect \$2,452 in social security payments made to Susan Dahlstrom and respondent on behalf of Ries that had been wrongfully retained by them. Thereafter, on petition of Folsom's attorney, the court found the Dahlstroms jointly and severally liable for payment of \$3,625 in attorney fees incurred by Folsom's attorney in collecting the social security payments. The order against Russell Dahlstrom was entered by default and was subsequently set aside. While the motion to set aside the default was pending, Susan Dahlstrom appealed by right from the order entered against her to this Court, which reversed, finding no

legal basis for an award of attorney fees. *In re Estate of Christopher James Ries*, (Docket No. 183195, memorandum opinion of the Court of Appeals, issued 1/5/96).

In the meantime, after the default against Russell Dahlstrom had been set aside, the lower court issued an order finding him liable for petitioner's attorney fees, at that time increasing the award to \$8,189.95 to reflect out-of-pocket expenses and attorney fees incurred up to that point. The court subsequently denied respondent's motion for a new trial, affirmed its award, and clarified that Russell and Susan Dahlstrom were jointly and severally liable for the award of attorney fees. Respondent Russell Dahlstrom appeals as of right and we reverse.

Another panel of this Court having previously determined that an attorney fees award was improperly granted in this litigation, *In re Ries, supra*, we conclude that we are bound under the doctrine of law of the case to apply this holding to the current appeal. To hold otherwise would vitiate the underlying purpose of the law of the case doctrine which is to maintain consistency and avoid reconsideration of matters once decided during the course of a single continuing lawsuit. *Bennett v Bennett*, 197 Mich App 497, 500; 496 NW2d 353 (1992). Accordingly, although Russell Dahlstrom was not a party to the previous appeal, the fact that the current appeal raises the same issue and relates to a judgment that ordered Susan Dahlstrom and respondent be held jointly and severally liable for the award, we are constrained by this Court's earlier decision to reverse the lower court's award of attorney fees against respondent.

In light of our disposition of this issue, it is unnecessary for us to address the other arguments raised on appeal.

Reversed.

/s/ Mark J. Cavanagh  
/s/ Donald E. Holbrook, Jr.  
/s/ Kathleen Jansen