

STATE OF MICHIGAN
COURT OF APPEALS

JAGDISH SHAH,

Plaintiff-Appellant,

v

KINGSWOOD MOTEL, INC., a/k/a NORTH
WOODWARD, INC., and THOMAS TOMA,

Defendants-Appellees.

UNPUBLISHED

August 18, 2000

No. 213960

Oakland Circuit Court

LC No. 98-004980-CK

Before: Murphy, P.J., and Kelly and Talbot, JJ.

MEMORANDUM.

Plaintiff appeals as of right from a circuit court order that granted summary disposition to defendants on the basis that a judgment of possession of real property entered in a district court summary proceeding operated to bar plaintiff's claim as res judicata. We reverse and remand.

On appeal, plaintiff argues that the circuit court erred in holding that his claims were barred by res judicata. We agree, in principle, with plaintiff on the basis of the Michigan Supreme Court's decision in *JAM Corp v AARO Disposal, Inc*, 461 Mich 161; 600 NW2d 617 (1999). In *JAM Corp, supra* at 168-170, the Court held that a judgment of possession in district court summary proceedings does not operate to merge or bar other claims for relief, no matter who prevailed in the district court proceedings, citing in particular MCL 600.5750; MSA 27A.5750, which provides that "[t]he remedy provided by summary proceedings is in addition to, and not exclusive of, other remedies, either legal, equitable or statutory." Accordingly, in light of § 5750 of the summary proceedings statute and *JAM Corp*, we conclude that summary disposition was erroneously granted in this matter, and we remand for further proceedings.

Reversed and remanded for further proceedings. We do not retain jurisdiction.

/s/ William B. Murphy

/s/ Michael J. Kelly

/s/ Michael J. Talbot