

STATE OF MICHIGAN
COURT OF APPEALS

DAVID E. BLOCH,

Plaintiff-Appellant,

v

IRINA E. BLOCH,

Defendant-Appellee.

UNPUBLISHED
September 2, 2010

No. 290086
Genesee Circuit Court
LC No. 08-090010-NZ

Before: SHAPIRO, P.J., and SAAD and SERVITTO, JJ.

SAAD, J. (*dissenting*).

I respectfully dissent from the majority's reversal of the trial court's ruling that Mr. Bloch's malicious prosecution claim is barred by res judicata. Michigan broadly applies the doctrine of res judicata and the issue of whether his wife made false allegations of child abuse not only could have been, but was fully aired in the divorce proceedings. Indeed, the abuse issue was front and center in the earlier divorce case and was inextricably intertwined with numerous litigated matters such as custody and parenting time.

Now, in this case, Mr. Bloch seeks to once again press the same issue, but dresses his grievance in the clothes of a separate tort to take a second bite at the apple. This type of "gaming" of the litigation process is exactly what the res judicata doctrine is meant to prevent. I dissent.

/s/ Henry William Saad