Court of Appeals, State of Michigan

ORDER

Armada Oil & Gas Co v Behrouz Oskui

Docket No. 276127

LC No. 06-621338-CK

Karen M. Fort Hood
Presiding Judge

Michael J. Talbot

Kirsten Frank Kelly
Judges

The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting the application for leave to appeal, the Court orders that the motion for peremptory reversal is GRANTED. Even assuming arguendo that the arbitrator did not resolve the breach of contract issue, the claims raised in the instant action could have been resolved in the former action. Thus, res judicata bars the instant suit. See *Energy Reserves, Inc v Consumers Power Co*, 221 Mich App 210, 215-216; 561 NW2d 854 (1997). The circuit court therefore should have granted summary disposition to defendant. The case is REMANDED to the circuit court for further proceedings consistent with this order.

The Court retains no further jurisdiction.

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 18 2007
Date

Sandra Schultz Mengel
Chief Clerk