

STATE OF MICHIGAN
COURT OF APPEALS

MARK KOHN, D.D.S., and LESLEE KOHN,

Plaintiffs-Appellants,

v

STEVE MILGROM and SM TRUST,

Defendants-Appellees.

UNPUBLISHED

August 23, 2002

No. 233362

Oakland Circuit Court

LC No. 00-025792-CB

Before: White, P.J., and Neff and Jansen, JJ.

WHITE, P.J. (*concurring*).

Defendants' actions before the zoning board of appeals and the wetlands review board, and in commencing the circuit court action, were protected and not actionable. *Arim v General Motors*, 206 Mich App 178; 520 NW2d 695 (1994)(applying the *Noerr-Pennington*¹ doctrine to claims of tortious interference with a business relationship); *Early Detection Center v New York Life Ins Co*, 157 Mich App 618, 631; 403 NW2d 830 (1986).

/s/ Helene N. White

¹ *Eastern Railroad Presidents Conference v Noerr Motor Freight, Inc*, 365 US 127; 81 S Ct 523; 5 L Ed 2d 464 (1961); *United Mine Workers of America v Pennington*, 381 US 657; 85 S Ct 1585; 14 L Ed 2d 626 (1965).