

STATE OF MICHIGAN
COURT OF APPEALS

WALLY YOOST,

Plaintiff/Counter-Defendant,

v

PATRICIA E. CASPARI and ELLEN FRANKLE,
Personal Representative of the ESTATE of
LAWRENCE I. FRANKLE,

Defendants,

and

IRWIN C. ZALCBERG,

Defendant/Counter-Plaintiff-
Appellee,

v

HANK ASHER, a/k/a HENRY ASHER,

Counter-Defendant-Appellant

FOR PUBLICATION
September 15, 2011

No. 294299
Berrien Circuit Court
LC No. 2008-000135-CZ

Before: OWENS, P.J., and MARKEY and METER, JJ.

METER, J. (*concurring*).

I concur in the majority opinion except that I would not undertake the analysis in section III.A. Indeed, Asher has not appealed the denial of his motion to dismiss based on Zalcberg's alleged failure to state a claim of abuse of process. I find it unnecessary to address whether Zalcberg's complaint stated a prima facie case of abuse of process.

/s/ Patrick M. Meter