

STATE OF MICHIGAN
COURT OF APPEALS

SHR LIMITED PARTNERSHIP, BEVERLY A.
CURTISS, individually, and as Trustee of the
BEVERLY A. CURTISS TRUST, and as Trustee
of the CRAIG H. CURTISS TRUST,

UNPUBLISHED
January 30, 2007

Plaintiffs-Appellants,

and

CATHERINE D. BROWN,

Plaintiff,

v

SWEPI LP, f/k/a SHELL WESTERN E & P, INC.,

Defendant-Appellee.

No. 271893
Manistee Circuit Court
LC No. 04-011416-CK

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

WHITE, J. (*concurring*).

I concur. Even assuming that *Hilliard*¹ has res judicata effect only with regard to the claims actually brought in that case, *Brown II*² bars plaintiff's claims because she is bound by the determinations made therein. Plaintiff was a party to that action, and defendant is Shell's privy.

/s/ Helene N. White

¹ *Hilliard v Shell Western E & P, Inc.*, 149 F3d 1183, unpublished opinion of the United States Court of Appeals for the Sixth Circuit (No. 96-1530, May 22, 1998), 1998 WL 322658.

² *Brown v Shell Oil Co.*, unpublished order of the Grand Traverse Circuit Court, issued October 24, 2002 (Docket No. 81-8858-CK).

