

STATE OF MICHIGAN  
COURT OF APPEALS

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JITHENDRA N. GOONEWARDENA, a/k/a JIT  
N. WARDENA, and JITHENDRA N.  
GOONEWARDENA, P.C.,

UNPUBLISHED  
August 2, 2002

Plaintiffs-Appellants,

v

ALI A. FADEL, M.D., P.C. and ALI A. FADEL,

No. 231143  
Wayne Circuit Court  
LC No. 00-024943-CK

Defendants-Appellees.

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Before: Murray, P.J., and Sawyer and Zahra, JJ.

MEMORANDUM.

Plaintiffs appeal as of right the order granting defendants' motion for summary disposition under MCR 2.116(C)(6) and (7). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiffs brought this action in Wayne Circuit Court based on defendants' failure to terminate a financing statement that listed plaintiff P.C. as the debtor. Defendants moved to dismiss, asserting that the same parties were involved in an Oakland Circuit Court action concerning the same cause of action, and that the parties had agreed to arbitrate those claims.

MCR 2.116(C)(6) provides that a motion for summary disposition is appropriate where another action has been initiated between the same parties involving the same claim. The rule is a codification of the plea of abatement by prior action. *Fast Air, Inc v Knight*, 235 Mich App 541, 55; 599 NW2d 489 (1999). The rule is designed to stop parties from endlessly litigating matters involving the same questions and claims as those involved in other pending litigation. *Id.* at 546.

MCR 2.116(C)(6) does not require that all the parties and all the issues be identical. *JD Candler Roofing Co, Inc v Dickson*, 149 Mich App 593, 598; 386 NW2d 605 (1986). Complete identity of the parties is not required, and the two suits must be based on the same or substantially the same cause of action. *Id.*

Where the individual plaintiff is the sole officer, director, and shareholder of his P.C., the trial court did not err in treating them as substantially identical. *Williams v American Title Ins Co*, 83 Mich App 686, 697-698; 269 NW2d 481 (1978). The cases concerned substantially the

same cause of action, involving the financing statement and the related transactions. The trial court did not err in granting defendants' motion for summary disposition.

Affirmed.

/s/ Christopher M. Murray

/s/ David H. Sawyer

/s/ Brian K. Zahra