

Order

Michigan Supreme Court
Lansing, Michigan

March 20, 2015

Robert P. Young, Jr.,
Chief Justice

149222

Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra

JOSE A. RODRIGUEZ,
Plaintiff-Appellee,

Bridget M. McCormack
David F. Viviano
Richard H. Bernstein,
Justices

v

SC: 149222
COA: 312187
Wayne CC: 09-028366-NO

FEDEX FREIGHT EAST, INC., RODNEY
ADKINSON, LAURA BRODEUR,
MATTHEW DISBROW, WILLIAM D.
SARGENT, and HONIGMAN MILLER
SCHWARTZ and COHN, LLP,
Defendants-Appellants.

On March 11, 2015, the Court heard oral argument on the application for leave to appeal the March 25, 2014 judgment of the Court of Appeals. On order of the Court, the application is again considered. MCR 7.302(H)(1). In lieu of granting leave to appeal, we REVERSE that part of the Court of Appeals judgment addressing the state-law abuse-of-process and fraud claims raised by the plaintiff and REINSTATE the July 20, 2012 order of the Wayne Circuit Court granting summary disposition to the defendants. It is well established that “a second suit for fraud, based on perjury (‘intrinsic fraud’), may not be filed against a person involved in a first suit, if the statutes and court rules provide an avenue for bringing the fraud to the attention of the first court and asking for relief there.” *Daoud v De Leau*, 455 Mich 181, 203 (1997). The record clearly supports a finding that the issues that the plaintiff is now raising were or could have been resolved in the 2003 litigation.



d0317

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 20, 2015

Clerk