

STATE OF MICHIGAN
COURT OF APPEALS

ISAAC ROBERT TURNER,

Plaintiff-Appellant,

v

CARRINGTON MORTGAGE SERVICES, LLC,

Defendant-Appellee.

UNPUBLISHED

September 10, 2026

11:18 AM

No. 376543

Wayne Circuit Court

LC No. 25-001244-CZ

Before: BAZZI, P.J., and PATEL and ACKERMAN, JJ.

PER CURIAM.

Defendant-appellee Carrington Mortgage Services had a mortgage interest in property formerly owned by plaintiff-appellant Isaac Turner. It foreclosed on that mortgage; this is plaintiff’s second attempt to undo the foreclosure. His first attempt was unsuccessful, and in this second attempt, the trial court granted summary disposition to defendant on res judicata grounds. But because the first action is not yet over, the order on which defendant and the trial court relied here was only an interlocutory order without preclusive effect. That said, precisely because the first proceeding is not yet over, summary disposition *was* appropriate, but for *that* reason—another pending action involving this same dispute exists between these parties. As a result, we affirm the trial court’s decision to grant summary disposition. Because we do so on alternative grounds, we vacate the trial court’s finding that this action was frivolous and remand for further proceedings not inconsistent with this opinion, if necessary.

I. FACTS

In June 2021, plaintiff borrowed \$218,960 from United Wholesale Mortgage and used it to purchase a parcel of property in Livonia. Plaintiff granted a mortgage to UWM that same day. Since then, both the mortgage and the debt have been transferred by UWM to defendant, although plaintiff challenges the validity of that transfer. In 2023, plaintiff defaulted on the loan, and on November 2, 2023, a sheriff’s sale was conducted at which defendant placed the winning bid.

A week later, plaintiff filed a civil action in Wayne Circuit Court against defendant, as well as a law firm that represents defendant (Randall S. Miller & Associates) and UWM. The complaint was not a model of clarity, and the exact nature of the claims it asserted against the defendants is

therefore not entirely certain. For example, it titled itself a “Bill in Equity for a Full Accounting; Restore Right of Redemption to Settle Accounts on Private Property.” Shortly thereafter, defendant filed a motion for summary disposition under MCR 2.116(C)(8), arguing that plaintiff had failed to state a claim upon which relief could be granted. In February 2024, the trial court granted that motion as to defendant and the Miller law firm. Under MCR 2.602(A)(3), that order purported to be a final order that closed the case. However, when plaintiff claimed an appeal from it in this Court, we dismissed the appeal for lack of jurisdiction, noting that—notwithstanding its self-designation as a final order—“it does not dispose of the claim against defendant United Wholesale Mortgage.” *Turner v Carrington Mtg Servs, LLC*, unpublished order of the Court of Appeals, entered March 15, 2024 (Docket No. 369880). Our order noted that plaintiff could proceed by application, which he attempted to do, although his application was denied for failure to persuade this Court of the need for immediate appellate review. *Turner v Carrington Mtg Servs, LLC*, unpublished order of the Court of Appeals, entered December 26, 2024 (Docket No. 371838).

Plaintiff responded in January 2025 by filing this parallel civil action in Wayne Circuit Court—this time only against defendant. In it, he alleged that defendant had made various “[f]raudulent [m]isrepresentations,” such as that “[d]efendant has never been in possession of the Original note properly endorsed giving them rights to enforce.” He also asserted that he “was automatically enrolled in online billing and there was no way to opt out of online billing at the time on defendants [sic] website,” so he “withheld further payments.” He asked for “a permanent injunction preventing Defendant from enforcing any claims against the Property” and for the court to “set aside . . . the foreclosure sale.” Plaintiff also asked the trial court to “consolidate” this case with the earlier 2023 action.

Defendant responded with a motion for summary disposition under MCR 2.116(C)(7), invoking both res judicata and collateral estoppel. It argued that the February 2024 order granting it summary disposition was a final order that was a dismissal on the merits as to defendant. Once again, the trial court agreed, concluding in June 2025 that under these doctrines, plaintiff could not maintain this action. The court also found that this action was frivolous under MCL 600.2591. This appeal followed.¹

II. ANALYSIS

We review a summary disposition ruling de novo. *Maiden v Rozwood*, 461 Mich 109, 118; 597 NW2d 817 (1999). Defendant moved for summary disposition under MCR 2.116(C)(7),

¹ After the trial court granted summary disposition in this matter, plaintiff appears to have taken the complaint he filed in this matter and attempted to present it to the trial court in the 2023 case, which the trial court treated as a motion for reconsideration and denied. Plaintiff filed an application for leave to appeal from that order as well, which this Court denied for lack of jurisdiction (to the extent that it challenged the February 2024 order, which was by then more than six months old, see MCR 7.205(A)(4)(a)) and for failure to persuade of the need for immediate appellate review (to the extent that it challenged the order denying reconsideration). *Turner v Carrington Mtg Servs, LLC*, unpublished order of the Court of Appeals, entered September 23, 2025 (Docket No. 376547).

under which one basis for relief is a “prior judgment.” That is the means by which res judicata and collateral estoppel arguments are raised, which we also review de novo. *Pierson Sand & Gravel, Inc v Keeler Brass Co*, 460 Mich 372, 379; 596 NW2d 153 (1999); *Barrow v Pritchard*, 235 Mich App 478, 480; 597 NW2d 853 (1999).

Plaintiff argues that the trial court erred in granting summary disposition because the February 2024 order was not a final order with preclusive effect. We agree. As an initial matter, that is an entirely reasonable conclusion for him to draw in light of our earlier dismissal of his claim of appeal for lack of jurisdiction for that very reason—at least at that time, the 2023 litigation was not yet over. Our review of Wayne Circuit Court’s online docketing system confirms that conclusion: the 2023 case is still underway, and plaintiff’s claims against UWM are still unresolved. As a result, and more importantly than our earlier jurisdictional ruling, that means the trial court’s February 2024 order is *necessarily* not a final order.

[A]n order or other form of decision adjudicating fewer than all the claims, or the rights and liabilities of fewer than all the parties, does not terminate the action as to any of the claims or parties, and the order is subject to revision before entry of final judgment adjudicating all the claims and the rights and liabilities of all the parties. [MCR 2.604(A).]

When a trial court grants summary disposition to some but not all of the parties, those parties become “inactive parties in the lawsuit.” *Yudashkin v Linzmeyer*, 247 Mich App 642, 650; 637 NW2d 257 (2001). “[U]nder the plain language of MCR 2.604(A), [a] trial court’s grant of summary disposition [is] not a final judgment and d[oes] not terminate the action.” *Id.* The trial court erred in granting summary disposition under MCR 2.116(C)(7) because there is no “prior judgment” eligible for preclusive effect.

But the very reason the February 2024 order does not have the effect defendant and the trial court attributed to it also provides a basis for affirming the trial court’s decision on alternative grounds. Here, relief should have been granted under MCR 2.116(C)(6), because “[a]nother action has been initiated between the same parties involving the same claim.” That is precisely the situation here, and “we will not reverse when the court reaches the correct result but for the wrong reason.” *Zimmerman v Owens*, 221 Mich App 259, 264; 561 NW2d 475 (1997). The trial court was correct in granting summary disposition, but it did so for the wrong reason.² To the extent that plaintiff wants to raise those claims against defendant, he must do so in the 2023 case—an attempt which it appears he has already made. To the extent that the trial court erred in refusing his request to file an amended complaint or otherwise present those claims in the 2023 action, plaintiff may, once the trial court enters a final judgment in that matter, file a claim of appeal in this Court and obtain appellate review as of right of the trial court’s handling of his claims.

That said, the trial court’s finding under MCL 600.2591 that plaintiff’s complaint was frivolous was informed by its conclusion that “[p]laintiff’s prior complaints involved the same

² Because we affirm the trial court’s grant of summary disposition on alternative grounds, we need not reach plaintiff’s argument that the trial court erred in not consolidating this case with the 2023 case. The trial court properly dismissed this case, so there is no consolidation to perform.

issues and were dismissed with prejudice.” That is incorrect—under MCR 2.604(A), the trial court’s prior orders regarding defendant were necessarily not final. As a result, we vacate the trial court’s finding under MCL 600.2591 that this was a frivolous action.

The trial court’s order granting summary disposition is affirmed, albeit on the alternative basis that summary disposition should have been granted under MCR 2.116(C)(6). Its finding under MCL 600.2591 is vacated. We remand this matter to the trial court where, if necessary, it may conduct further proceedings not inconsistent with this opinion should defendant renew its request for frivolous action sanctions under MCL 600.2591.

/s/ Mariam S. Bazzi

/s/ Sima G. Patel

/s/ Matthew S. Ackerman