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STATE OF MICHIGAN

COURT OF APPEALS

GENEVA LANGWORTHY,

Plaintiff-Appellant,

v

MATTHEW TUCK and THE APPELLATE LAW FIRM,

Defendants-Appellees.

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November 06, 2026
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Nos. 376783; 376784
Macomb Circuit Court
LC No. 2025-000969-CK

Before: ACKERMAN, P.J., and BORRELLO and KOROBKIN, JJ.

PER CURIAM.

In these consolidated appeals,[1] pro se plaintiff Geneva Langworthy appeals as of right the trial court's order granting summary disposition to defendants Matthew Tuck and The Appellate Law Firm (TALF) under MCR 2.116(C)(6) and (7), as well as the trial court's order denying her motion for reconsideration. We affirm.

I. BACKGROUND

In 2021, plaintiff retained TALF, a Michigan law firm owned by Tuck, to represent her in four appeals from an antiharassment order entered against her in Washington, and she paid TALF a $20,000 retainer. Plaintiff alleges that TALF failed to communicate with her effectively, discriminated against her on the basis of her disabilities, committed errors while representing her, and withdrew from the representation without completing the work and without refunding her retainer. Since 2022, plaintiff has filed five lawsuits regarding that representation. This appeal arises out of the fifth.

Plaintiff filed her first two lawsuits against TALF in the United States District Court for the Eastern District of Michigan. The first lawsuit, filed in January 2022, alleged claims under the

[1] *Langworthy v Tuck*, unpublished order of the Court of Appeals, entered September 3, 2025 (Docket Nos. 376783 and 376784).

Americans with Disabilities Act (ADA), 42 USC 12101 *et seq*., for disability discrimination, denial of effective communication, and disparate treatment or disparate impact, as well as claims for breach of contract and "failure to contract." That action was transferred to the United States District Court for the Western District of Washington, which dismissed it without prejudice because plaintiff failed to serve TALF. In October 2022, plaintiff filed a second lawsuit asserting substantially the same claims, along with claims of disability discrimination under Michigan law, outrage, emotional distress, and legal malpractice. After a magistrate judge ordered plaintiff to comply with her discovery obligations, plaintiff filed a notice of voluntary dismissal, and the second lawsuit was dismissed without prejudice.

In November 2023, plaintiff filed a third lawsuit in the Eastern District of Michigan, this time against both TALF and Tuck. She alleged a claim for breach of contract and invoked the federal court's diversity jurisdiction. After defendants answered, plaintiff moved to amend her complaint to add claims under Title III of the ADA, 42 USC 12181 *et seq*., for "denial of effective communication, disability discrimination, and disparate treatment," for which she sought "prospective injunctive relief" and damages. In July 2024, the federal court denied the motion to amend as futile. It concluded that Title III does not permit a private plaintiff to recover monetary damages and that plaintiff lacked standing to seek injunctive relief because she had not alleged a real and immediate threat of future injury. Plaintiff then filed a notice of voluntary dismissal, which the federal court construed as a motion for voluntary dismissal and denied because defendants had already answered the complaint.

In October 2024, while the third lawsuit remained pending, plaintiff filed a fourth lawsuit, this time in the Macomb Circuit Court, again alleging that defendants breached the retainer agreement. Defendants removed that action to the Eastern District of Michigan on the basis of diversity jurisdiction. Plaintiff then filed an amended complaint reducing her claimed damages to $74,999 and moved to remand the case to state court. In February 2025, the federal court denied remand, concluding that plaintiff could not defeat diversity jurisdiction by reducing her claimed damages after removal, and it consolidated the third and fourth lawsuits.

On March 6, 2025, while the consolidated federal action remained pending, plaintiff filed this action—her fifth—in the Macomb Circuit Court. Her complaint alleged that defendants breached the retainer agreement and discriminated against her in violation of Title III of the ADA, and it sought the return of her retainer and "real and compensatory damages to be determined." Defendants then moved for summary disposition. They argued that res judicata barred the ADA claim under MCR 2.116(C)(7) in light of the federal court's July 2024 order denying plaintiff leave to add that claim, and that the breach-of-contract claim should be dismissed under MCR 2.116(C)(6) because the same claim was pending in the consolidated federal action.

While that motion was under advisement, the federal court dismissed the consolidated action with prejudice under FR Civ P 41(b). The federal court found that plaintiff had acted in bad faith by repeatedly disregarding her discovery obligations and the court's orders, including an order to show cause why her case should be dismissed.

Ten days later, apparently unaware of that dismissal, the trial court in the instant case granted defendants' motion for summary disposition. It concluded that res judicata barred plaintiff's ADA claim and that the breach-of-contract claim was subject to dismissal under

MCR 2.116(C)(6) because the consolidated federal action remained pending. Plaintiff later moved for reconsideration. In response, defendants brought the federal court's dismissal to the trial court's attention and argued that res judicata also barred the breach-of-contract claim. The trial court denied reconsideration. These appeals followed.

II. STANDARD OF REVIEW

We review de novo a trial court's decision on a motion for summary disposition. *Maiden v Rozwood*, 461 Mich 109, 118; 597 NW2d 817 (1999). We likewise review de novo questions of law, including "[t]he applicability of legal doctrines such as res judicata." *Allen Park Retirees Ass'n, Inc v Allen Park*, 329 Mich App 430, 443; 942 NW2d 618 (2019). Questions concerning the interpretation and application of court rules are also reviewed de novo. *Haliw v Sterling Hts*, 471 Mich 700, 704; 691 NW2d 753 (2005).

MCR 2.116(C)(6) permits summary disposition when "[a]nother action has been initiated between the same parties involving the same claim." Summary disposition under that subrule is appropriate only when the other action is "pending at the time of the decision regarding the motion for summary disposition." *Planet Bingo, LLC v VKGS, LLC*, 319 Mich App 308, 325; 900 NW2d 680 (2017) (citation omitted). A motion under MCR 2.116(C)(7) is properly granted when a claim is barred by res judicata. *Allen Park Retirees Ass'n*, 329 Mich App at 443. "In reviewing a ruling pursuant to subrule (C)(7), we consider all documentary evidence submitted by the parties, accepting as true the contents of the complaint unless affidavits or other appropriate documents specifically contradict them." *Seldon v Suburban Mobility Auth for Regional Transp*, 297 Mich App 427, 432-433; 824 NW2d 318 (2012) (cleaned up).

III. ANALYSIS

Plaintiff's brief on appeal does not contain a statement of questions presented, see MCR 7.212(C)(5), and consists largely of numbered factual assertions followed by quotations from caselaw that are not applied to any argument. Much of the brief is also devoted to matters outside the scope of this appeal, which plaintiff does not tie to the grounds on which the trial court granted summary disposition. Nonetheless, because plaintiff is proceeding pro se, we construe her filings liberally, see *Hein v Hein*, 337 Mich App 109, 115; 972 NW2d 337 (2021) (recognizing that a pro se litigant's pleadings "are entitled to a more generous and lenient construction than they would be if his pleadings had been prepared by a lawyer"), and we address the arguments that can reasonably be discerned from her brief. Those arguments principally challenge the federal court's authority to enter the orders on which the trial court's rulings rest.

A. RES JUDICATA PRINCIPLES

"The doctrine of res judicata was judicially created in order to relieve parties of the costs and vexation of multiple lawsuits, conserve judicial resources, and, by preventing inconsistent decisions, encourage reliance on adjudication." *Pierson Sand & Gravel, Inc v Keeler Brass Co*, 460 Mich 372, 380; 596 NW2d 153 (1999) (quotation marks and citations omitted). "As a general rule, res judicata will apply to bar a subsequent relitigation based upon the same transaction or events, regardless of whether a subsequent litigation is pursued in a federal or state forum." *Id*. When the asserted preclusive judgment was entered by a federal court, its preclusive effect is

governed by federal common law. *Semtek Int'l Inc v Lockheed Martin Corp*, 531 US 497, 508; 121 S Ct 1021; 149 L Ed 2d 32 (2001). For a judgment entered by a federal court sitting in diversity, that federal common law adopts "the law that would be applied by state courts in the State in which the federal diversity court sits," unless that state law "is incompatible with federal interests." *Id*. at 508-509.

Both of the federal actions at issue here were diversity actions. Plaintiff filed the third lawsuit in federal court solely on the basis of diversity jurisdiction, and defendants removed the fourth lawsuit to federal court on the same basis. Michigan law therefore governs the preclusive effect of the federal court's rulings. Under Michigan law, "[r]es judicata bars a second action on the same claim if (1) the prior action was decided on the merits, (2) both actions involved the same parties or their privies, and (3) the matter in the second case was, or could have been, resolved in the first." *Mecosta Co Med Ctr v Metropolitan Group Prop & Cas Ins Co*, 509 Mich 276, 282; 983 NW2d 401 (2022) (quotation marks and citation omitted). Michigan takes a broad approach to the doctrine, which "bars not only claims already litigated, but also every claim arising from the same transaction that the parties, exercising reasonable diligence, could have raised but did not." *Adair v Michigan*, 470 Mich 105, 121; 680 NW2d 386 (2004).

B. THE ADA CLAIM

The trial court granted summary disposition of plaintiff's ADA claim under MCR 2.116(C)(7), concluding that the federal court's July 2024 order denying plaintiff leave to add that claim on futility grounds barred it under the doctrine of res judicata. Plaintiff contends that the trial court erred because that order is invalid and therefore cannot be given preclusive effect. We disagree.

Concerning that claim, the second and third elements of res judicata are readily satisfied. Plaintiff does not dispute that this action and the third lawsuit involve the same parties. Nor can she reasonably dispute that the claims are the same. The ADA claim in the instant complaint alleges that defendants failed to respond to her request for an "effective communication accommodation," subjected her to "disparate treatment," and "discriminatorily withdrew from her appeals." That is the same claim, based on the same facts, that plaintiff sought to add in the third lawsuit. Both arise from the same transaction: TALF's representation of plaintiff and its withdrawal from that representation. Thus, the matter in this case was, or could have been, resolved in the third lawsuit.

The question, then, is whether the July 2024 order was a decision on the merits of plaintiff's ADA claim. That, in turn, depends on the basis for the denial of leave to amend. In *Martin v Mich Consol Gas Co*, 114 Mich App 380, 383-384; 319 NW2d 352 (1982), this Court explained:

> In most instances, the denial of a motion to amend will not be a decision on the merits. For example, when amendment is denied because of undue delay, bad faith, dilatory motive or undue prejudice to the opposing party, the substance of the claims sought to be added will not likely have been considered. However, when, as in the present case, the denial is made on the basis of the futility of the amendment, it is in effect a determination that the added claims are substantively

> without merit; that is, that the claims are frivolous or legally insufficient on their face. Such a determination is entitled to res judicata impact. [(Citations omitted.)]

The July 2024 order falls squarely within *Martin*. The federal court expressly declined to find that plaintiff sought to amend her complaint in bad faith or with a dilatory motive, and it denied leave to amend solely on the basis of futility. It reasoned in part that Title III of the ADA does not provide for monetary damages in a suit brought by a private plaintiff, citing 42 USC 12188(a) and *Smith v Wal-Mart Stores, Inc*, 167 F3d 286, 293 (CA 6, 1999). That ruling was a determination that plaintiff's claim for damages under Title III was "legally insufficient on [its] face." *Martin*, 114 Mich App at 383. The federal court's alternative ruling—that plaintiff lacked standing to seek injunctive relief—was jurisdictional rather than merits-based, and it therefore does not constitute an adjudication on the merits. See MCR 2.504(B)(3) (excepting dismissals "for lack of jurisdiction" from the rule that a dismissal operates as an adjudication on the merits). That does not alter the outcome, however, because the ADA claim plaintiff asserts in this case seeks only damages, not injunctive relief. The July 2024 order therefore adjudicated, on the merits, precisely the claim that plaintiff asserts here.

That the July 2024 order was a decision on the merits does not end the inquiry, however, because res judicata also requires a final judgment. See *In re Bibi Guardianship*, 315 Mich App 323, 333; 890 NW2d 387 (2016) ("To be accorded the conclusive effect of res judicata, the judgment must ordinarily be a firm and stable one.") (citation omitted). Interlocutory orders generally do not carry preclusive effect. *Id*. At the time that the trial court granted summary disposition, the trial court was under the misapprehension that the consolidated federal action was still pending. To the extent that the trial court reasoned that an interlocutory order in a pending case was itself a final decision on the merits, that reasoning was flawed.

That flaw is immaterial, however, because we review de novo whether res judicata applies, *Allen Park Retirees Ass'n*, 329 Mich App at 443, and this Court will not reverse a trial court's order if it reached the result for the wrong reason, *Gleason v Mich Dep't of Transp*, 256 Mich App 1, 3; 662 NW2d 822 (2003). By the time the trial court ruled on June 20, 2025, the consolidated federal action had proceeded to final judgment: the federal court dismissed that action with prejudice on June 10, 2025. The July 2024 order denying leave to amend merged into that final judgment. See *Washington v Starke*, 173 Mich App 230, 241-242; 433 NW2d 834 (1988) ("[U]pon entry of a final judgment, all prior nonfinal rulings and orders . . . are incorporated into the final judgment and are finalized for purposes of appeal.") (citation omitted); see also *Jarrett v Epperly*, 896 F2d 1013, 1016 n 1 (CA 6, 1990) (noting that "decisions in this circuit generally state that interlocutory orders merge into the final judgment"). Accordingly, when the trial court ruled, the July 2024 order had merged into a final decision for purposes of res judicata.

In any event, the June 10, 2025 federal judgment independently bars plaintiff's ADA claims. That judgment dismissed the consolidated lawsuit with prejudice under FR Civ P 41(b)[2]

[2] FR Civ P 41(b) governs involuntary dismissals and provides:

> If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the

based on plaintiff's failure to comply with her discovery obligations and the court's prior orders. Under Michigan law, an involuntary dismissal of this kind "operates as an adjudication on the merits" unless the court specifies otherwise. MCR 2.504(B)(3); see also *Washington v Sinai Hosp of Greater Detroit*, 478 Mich 412, 414; 733 NW2d 775 (2007). And res judicata bars not only claims actually litigated but "every claim arising from the same transaction that the parties, exercising reasonable diligence, could have raised but did not." *Adair*, 470 Mich at 121. Plaintiff's ADA claim arises from the same transaction as the breach-of-contract claim adjudicated in the June 10, 2025 judgment. And plaintiff did not merely fail to raise the ADA claim there: she tried to raise it, and the federal court rejected the claim as futile. Accordingly, whether the analysis rests on the July 2024 order as merged into the final judgment or the June 10, 2025 judgment itself, the first element of res judicata is satisfied.

Plaintiff does not meaningfully dispute these points. Her arguments on appeal instead challenge the federal court's authority to enter the July 2024 order, such that the order cannot be given preclusive effect. None of these challenges have merit.

First, plaintiff argues that she reduced the amount in controversy below the $75,000 jurisdictional threshold, see 28 USC 1332(a), thereby divesting the federal court of jurisdiction. The only such reduction in the record is the amended complaint plaintiff filed in the fourth lawsuit after it was removed to federal court. But that amendment was filed in a different action months after the July 2024 order was entered in the third lawsuit, so it cannot affect the validity of that order. The third lawsuit, which plaintiff herself filed in federal court, properly invoked the federal court's diversity jurisdiction: plaintiff alleged that she and defendants were citizens of different states and sought $500,000 in damages. Nor did the amendment divest the federal court of jurisdiction over the fourth lawsuit, because a plaintiff's post-removal reduction of her claim below the jurisdictional amount "does not deprive the district court of jurisdiction." *St Paul Mercury Indemnity Co v Red Cab Co*, 303 US 283, 292; 58 S Ct 586; 82 L Ed 845 (1938); see also *Royal Canin USA, Inc v Wullschleger*, 604 US 22, 38 n 8; 145 S Ct 41; 220 L Ed 2d 289 (2025) (distinguishing the amount-in-controversy rule from the Court's holding that eliminating federal claims after removal defeats supplemental jurisdiction). Moreover, the federal court considered and rejected plaintiff's jurisdictional argument when it denied her motion to remand, and a federal court's determination of its own jurisdiction, "while open to direct review, may not be assailed collaterally." *Chicot Co Drainage Dist v Baxter State Bank*, 308 US 371, 376-377; 60 S Ct 317; 84 L Ed 329 (1940).

Second, plaintiff argues that her notice of voluntary dismissal ended the third lawsuit. But plaintiff filed that notice after the July 2024 order was entered, so it could not have deprived the federal court of authority to enter that order. Moreover, because defendants had already answered, plaintiff could no longer dismiss the action without a court order, FR Civ P 41(a)(1)(A)(i) and (a)(2), and the federal court denied her request. And even an effective notice would have operated

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> dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule—except one for lack of jurisdiction, improper venue, or failure to join a party under Rule 19—operates as an adjudication on the merits.

as an adjudication on the merits under the "two-dismissal" rule, because plaintiff had already voluntarily dismissed her second lawsuit by notice. See FR Civ P 41(a)(1)(B).

Third, plaintiff argues that the July 2024 order is void because the federal judge was biased against her. But plaintiff's claim of bias rests almost entirely on rulings adverse to her, and "judicial rulings alone almost never constitute a valid basis for a bias or partiality motion." *Liteky v United States*, 510 US 540, 555; 114 S Ct 1147; 127 L Ed 2d 474 (1994); accord *Cain v Dep't of Corrections*, 451 Mich 470, 496-497; 548 NW2d 210 (1996). And even assuming the federal judge should have recused himself, a judge's "failure to recuse does not automatically render [the] judgment void." *Roberts v Wal-Mart Louisiana, LLC*, 54 F4th 852, 854 (CA 5, 2022). Plaintiff's remedy for any error in the denial of her motions to disqualify the federal judge was a direct appeal to the United States Court of Appeals for the Sixth Circuit, not a collateral attack in state court.

The remaining authorities on which plaintiff relies are likewise unavailing. Her invocation of "fraud upon the court," see *Kenner v Comm'r of Internal Revenue*, 387 F2d 689, 691 (CA 7, 1968), is untethered to any identified fraud and, in any event, could be pursued only in the court that rendered the judgment. See FR Civ P 60(d)(3). Her reliance on *VanVorous v Burmeister*, 262 Mich App 467, 477; 687 NW2d 132 (2004), concerning motions for summary disposition brought before discovery is complete, is misplaced because the federal orders on which the trial court relied are matters of record that no discovery could alter. And the discussion in *Pierson Sand*, 460 Mich at 382-383, concerning state-law claims over which a federal court would have declined to exercise supplemental jurisdiction does not apply because plaintiff's ADA claim is itself a federal claim. Finally, although plaintiff's pro se status entitles her to a lenient construction of her filings, it does not exempt her from the rules of preclusion. See *Bachor v Detroit*, 49 Mich App 507, 512; 212 NW2d 302 (1973).

C. BREACH-OF-CONTRACT CLAIM

The trial court granted summary disposition on plaintiff's breach-of-contract claim under MCR 2.116(C)(6), reasoning that the same claim was pending between the same parties in the consolidated federal action. Plaintiff does not specifically address that ruling, but, read liberally, her brief challenges the validity and effect of the federal court's June 10, 2025 judgment. Defendants argue that, regardless of whether summary disposition was proper under MCR 2.116(C)(6), this Court should affirm on the alternative ground that res judicata bars plaintiff's breach-of-contract claim, entitling them to summary disposition under MCR 2.116(C)(7).[3]

[3] Defendants first raised this alternative ground in response to plaintiff's motion for reconsideration, and an issue first raised in a motion for reconsideration is generally not preserved. *Vushaj v Farm Bureau Gen Ins Co of Mich*, 284 Mich App 513, 519; 773 NW2d 758 (2009). But defendants could not have raised the issue earlier because the June 10, 2025 order on which the argument is predicated did not exist when they filed their summary-disposition motion or when the motion was argued. Further, an appellee may urge alternative grounds for affirmance without filing a cross-appeal, *Middlebrooks v Wayne Co*, 446 Mich 151, 166 n 41; 521 NW2d 774 (1994),

As noted, summary disposition under MCR 2.116(C)(6) is appropriate when another action involving the same parties and claims is "pending at the time of the decision regarding the motion for summary disposition." *Planet Bingo*, 319 Mich at 325. The consolidated federal action was pending when defendants moved for summary disposition and when the trial court heard the motion. Unbeknownst to the trial court, however, the federal court dismissed that action with prejudice 10 days before the trial court ruled, and nothing in the record indicates that the federal action remained pending on appeal. See *Darin v Haven*, 175 Mich App 144, 151; 437 NW2d 349 (1989) (recognizing that an action may remain "pending" for purposes of MCR 2.116(C)(6) while it is on appeal). Accordingly, MCR 2.116(C)(6) no longer supplied a basis for summary disposition when the trial court ruled.

Reversal is not warranted, however, because the same June 10, 2025 judgment that removed the predicate for summary disposition under MCR 2.116(C)(6) supplies an independent ground for affirmance under (C)(7) on the basis of res judicata. That judgment was entered in the consolidated lawsuit, which, like the third lawsuit, was a diversity action. Michigan law thus governs the preclusive effect of the federal judgment. *Semtek*, 531 US at 508-509. The parties to the consolidated federal action and this action are identical, so only the first and third elements of res judicata are at issue. We conclude that both elements are satisfied.

The consolidated federal action was decided on the merits. The federal court dismissed that action with prejudice under FR Civ P 41(b), which permits dismissal when "the plaintiff fails to prosecute or to comply with these rules or a court order." That dismissal is the federal counterpart of a dismissal under MCR 2.504(B)(1), which likewise permits a court to dismiss a party's action or claims for failure to comply with the court rules or a court order. And under Michigan law, such a dismissal "operates as an adjudication on the merits" unless the court specifies otherwise. MCR 2.504(B)(3); see also *Adair*, 317 Mich App at 365. Because the June 10, 2025 federal judgment did not specify otherwise, it is an adjudication on the merits as to plaintiff's claim for breach of contract.

Plaintiff's contrary arguments fail. She contends that an involuntary dismissal is not truly a decision on the merits because no court has ever reached the substance of her claim. But "adjudication on the merits" is a term of art that "has come to be applied to some judgments . . . that do not pass upon the substantive merits of a claim and hence do not (in many jurisdictions) entail claim-preclusive effect." *Semtek*, 531 US at 502. The question is what preclusive effect the law assigns to the dismissal, and MCR 2.504(B)(3) assigns it the effect of an adjudication on the merits. To the extent plaintiff challenges the federal court's authority to enter the June 10, 2025 judgment, that argument fails for the reasons already discussed.

Regarding the third element, the breach-of-contract claim in this case was resolved in the consolidated federal action. The breach claim in the instant complaint alleges that TALF agreed

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and we may address an unpreserved issue when it "involves a question of law and the facts necessary for its resolution have been presented," *Smith v Foerster-Bolser Constr, Inc*, 269 Mich App 424, 427; 711 NW2d 421 (2006). Both conditions are met here: the applicability of res judicata is a question of law, and the June 10, 2025 federal judgment is part of the lower court record.

to handle plaintiff's four appeals in their entirety, withdrew without completing the work, and failed to refund her retainer. That is the same claim, and those are the same allegations, plaintiff asserted in the third and fourth lawsuits. To the extent the instant complaint can be read to assert a separate claim for legal malpractice—or insofar as plaintiff asserts on appeal that she intended to pursue such a claim in the trial court—that claim is also barred. It arises from the same transaction as the breach-of-contract claim and plaintiff, "exercising reasonable diligence, could have raised" it in the consolidated federal action. *Adair*, 470 Mich at 121. Indeed, she asserted a legal-malpractice claim against TALF in her second lawsuit.

Because all three elements of res judicata are satisfied, summary disposition of the breach-of-contract claim was proper on alternative grounds under MCR 2.116(C)(7).

D. RECONSIDERATION

Although plaintiff's brief states that her appeal is "also an appeal of the denial of reconsideration," she presents no argument concerning that ruling. "A party abandons a claim when it fails to make a meaningful argument in support of its position." *Berger v Berger*, 277 Mich App 700, 712; 747 NW2d 336 (2008); see also *Wilson v Taylor*, 457 Mich 232, 243; 577 NW2d 100 (1998) (recognizing that an appellant may not simply "announce a position or assert an error and then leave it up to this Court to discover and rationalize the basis for his claims") (citation omitted). Plaintiff has therefore abandoned any challenge to the denial of reconsideration. In any event, because summary disposition was proper on both claims, the trial court did not abuse its discretion by denying reconsideration. See MCR 2.119(F)(3); *Sanders v McLaren-Macomb*, 323 Mich App 254, 264; 916 NW2d 305 (2018).

Affirmed.

/s/ Matthew S. Ackerman
/s/ Stephen L. Borrello
/s/ Daniel S. Korobkin