Melvin Peters, a resident of Leelanau County, Michigan, was driving when his car was broadsided by a vehicle driven by John David, a Grand Traverse County, Michigan resident. The accident occurred in Grand Traverse County. Thereafter, Peters filed a complaint against David in Leelanau County, alleging David negligently caused him serious injuries.

David simultaneously filed an answer and a motion seeking to transfer the case to Grand Traverse County. Peters opposed the motion to transfer the case. The trial court denied the motion, finding that the complaint was properly filed in Leelanau County. David did not appeal the trial court's ruling. Discovery was undertaken, and on the eve of trial, the parties agreed to dismiss the case to pursue an alternative dispute resolution. The order granting the parties' motion for voluntary dismissal provided that the dismissal was without prejudice, and that if the case was not resolved, Peters could re-file his action.

The parties did not resolve the case, and Peters re-filed his complaint against David, once again in Leelanau County. David again moved to transfer the case to Grand Traverse County. Peters opposed the motion, arguing that under collateral estoppel David was bound by the trial court's previous order denying David's first motion to transfer the case to Grand Traverse County, because David had not appealed that order. The trial court agreed that David was bound by its previous order, and denied David's second motion to transfer the case to Grand Traverse County. David then filed an interlocutory appeal of the trial court's order denying his second motion.

   **(1)  Did the trial court correctly rule that Peters' complaint was properly filed in Leelanau County? Explain your answer.**

   **(2)  Did the trial court correctly conclude that, because David failed to appeal its first order refusing to transfer the case to Grand Traverse County, that order was binding on David? Explain your answer.**