

Order

Michigan Supreme Court
Lansing, Michigan

May 30, 2018

Stephen J. Markman,
Chief Justice

155120

CELESTINE STACKER, Personal Representative
of the Estate of MAE HENDRIX,
Plaintiff-Appellee,

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder
Elizabeth T. Clement,
Justices

v

SC: 155120
COA: 328191
Oakland CC: 2014-142087-NO

LAUTREC, LTD,
Defendant-Appellant.

By order of June 7, 2017, the application for leave to appeal the October 27, 2016 judgment of the Court of Appeals was held in abeyance pending the decision in *Martin v Milham Meadows I Ltd Partnership* (Docket No. 154360). On order of the Court, leave to appeal having been denied in *Martin* on March 9, 2018, ___ Mich ___ (2018), the application is again considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.305(H)(1).

The appellant shall file a supplemental brief within 42 days of the date of this order addressing whether genuine issues of material fact preclude summary disposition on the plaintiff's claim that the driveway at issue was not "fit for the use intended by the parties." MCL 554.139(1)(a). In addition to the brief, the appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellant's brief. The appellee shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. A reply, if any, must be filed by the appellant within 14 days of being served with the appellee's brief. The parties should not submit mere restatements of their application papers.

The Michigan Association for Justice, Michigan Defense Trial Counsel, Inc., and the Negligence Law Section of the State Bar of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



a0523

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.

May 30, 2018

Clerk

