Court of Appeals, State of Michigan

ORDER

Bruce Fox v Shiawassee County Bd of Commissioners

Docket No. 258364

LC No. 99-004218-CK

Donald S. Owens
Presiding Judge

William C. Whitbeck
Chief Judge

Stephen L. Borrello
Judge

The Court having ordered this application for leave to appeal HELD IN ABEYANCE pending the Michigan Supreme Court's decision in *Studier v Mich Public School Employees Retirement Bd, No 1; Studier v Mich Public School Employees Retirement Bd, No 2*, 260 Mich App 460; 679 NW2d 88 (2004), lv gtd 471 Mich 875 (2004), and that decision having been issued on June 28, 2005, *Studier*, ___Mich ___; ___ NW2d ___ (Nos. 125765, 125766, dec'd 6/28/05), we again consider the defendant-appellant's application for leave to appeal.

In lieu of granting the application for leave to appeal and pursuant to MCR 7.205(D)(2), we REVERSE the Shiawassee Circuit Court's October 5, 2004 order denying the defendant's motion for summary disposition and REMAND this matter to the circuit court for further proceedings consistent with *Studier* and with this Order.

The motion to file late answer is GRANTED.

We do not retain jurisdiction.

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 22 2005
Date

Sandra Schultz Mengel
Chief Clerk