Court of Appeals, State of Michigan

ORDER

State Farm Fire & Casualty Co v Aladdin Heating & Cooling

Docket No. 267505

LC No. 03-326169-NZ

Henry William Saad
Presiding Judge

E. Thomas Fitzgerald

Jessica R. Cooper
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The application for leave to appeal is GRANTED. The Court orders pursuant to MCR 7.205(D)(2) that the January 3, 2006 order reinstating plaintiffs' ordinary negligence claims is REVERSED as those claims are barred by the statute of repose, MCL 600.5839(1). Defendant's installation of a furnace in the insureds' home constituted an improvement. *Travelers Ins Co v Guardian Alarm Co of Mich*, 231 Mich App 473, 478-479; 586 NW2d 760 (1998); *Pendzsu v Beazer East, Inc*, 219 Mich App 405, 410-412; 557 NW2d 127 (1996); *Fennell v John J Nesbitt, Inc*, 154 Mich App 644, 651; 398 NW2d 481 (1986). This order shall have immediate effect. MCR 7.215(F)(2).

The motion to waive the transcript requirement of MCR 7.209(A)(3) is GRANTED.

The motion for stay pending appeal is DENIED.

This Court retains no further jurisdiction.

Judge Cooper would deny the application for leave to appeal.

Presiding Judge

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

JAN 6 2006
Date

Chief Clerk