IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Ariel Perez Sr v Oakland County**
Docket No. **271406**
L.C. No. **2005-065925-NM**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

In lieu of dismissing the claim of appeal since the circuit court found questions of fact precluded a grant of summary disposition on governmental immunity grounds, *Newton v Michigan State Police*, 263 Mich App 251, 259; 688 NW2d 94 (2004), the claim of appeal is treated as a delayed application for leave to appeal, and it is GRANTED. *Walsh v Taylor*, 263 Mich App 618, 626; 689 NW2d 506 (2004).

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

JUL 21 2006
Date

Sandra Schultz Mengel
Chief Clerk