Court of Appeals, State of Michigan

ORDER

Catherine Wilcox v State Farm Mutual Automobile Insurance Company

Docket No. 290515

LC No. 08-010129-NF

William B. Murphy
Presiding Judge

David H. Sawyer

Richard A. Bandstra
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court REMANDS to the trial court with instruction to employ the analysis described and used in *Hoover v Michigan Mut Ins Co*, 281 Mich App 617, at 631-636; 761 NW2d 801 (2008). Whether a cost constitutes an allowable expense is a question of law and so, it is to be determined by the court, not the jury. *Griffith v State Farm Mut Automobile Ins Co*, 472 Mich 521, 525-526; 697 NW2d 895 (2005); *VanderWerp v Plainfield Charter Twp*, 278 Mich App 624, 627; 752 NW2d 479 (2008). The parties are to submit evidence on each of the expenses at issue and should present arguments under the analytical framework outlined in *Hoover*. We do not retain jurisdiction.

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

JUL 01 2009
Date

Sandra Schultz Mengel
Chief Clerk