

Court of Appeals, State of Michigan

ORDER

Theresa Surgener v State Farm Insurance Company

Docket No. 295818

LC No. 09-012926-CK

Cynthia Diane Stephens
Presiding Judge

Brian K. Zahra

Kirsten Frank Kelly
Judges

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the November 24, 1999 order of the Wayne County Circuit Court is VACATED and the matter is REMANDED to the trial court for reconsideration of its ruling that the Notice and Order of Prohibition issued by the Office of Financial and Insurance Services on December 16, 2005, rendered *Rory v Continental Ins Co*, 473 Mich 457; 703 NW2d 23 (2005) inapplicable. In reconsidering this issue, the trial court shall examine *McGraw v Farm Bureau Gen Ins Co of Michigan*, 274 Mich App 298; 731 NW2d 805 (2007) and *McDonald v Farm Bureau Ins Co*, 480 Mich 191; 747 NW2d 811 (2008), which were not cited by the parties below or on appeal. The trial court shall also consider the recent decision of *Ulrich v Farm Bureau Ins*, ___ Mich App ___; ___ NW2d ___ (Docket No. 289467, released April 29, 2010) slip opinion.

The Court retains no further jurisdiction.



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

JUN 28 2010

Date

Sandra Schultz Mengel
Chief Clerk