

Court of Appeals, State of Michigan

ORDER

Ronald Edward Addison v Lynn Adelbert Thrasher

Docket No. 297526

LC No. 08-003531-NI

David H. Sawyer
Presiding Judge

William B. Murphy, C.J.

Douglas B. Shapiro
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for delayed appeal, the Court VACATES the circuit court's March 16, 2010, order granting summary disposition to defendants. The evidence establishes a genuine issue of material fact regarding whether plaintiff's prior neck injury was aggravated in the December 20, 2006, automobile accident, and so, the circuit court erred in granting summary disposition on that basis. Further, the case is REMANDED for further consideration in light of our Supreme Court's recent decision in *McCormick v Carrier*, __ Mich __; __ NW2d __ (2010), which overturned *Kreiner v Fisher*, 471 Mich 109; 683 NW2d 611 (2004), and established a new standard for evaluating claims under MCL 500.3135(1) and (7). We do not retain jurisdiction.



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

SEP 22 2010

Date

Sandra Schultz Mengel
Chief Clerk