

**Court of Appeals, State of Michigan**

**ORDER**

Thomas Samuel v Kathleen Crocenzi

Docket No. 298845

LC No. 2008-096329-NI

E. Thomas Fitzgerald  
Presiding Judge

Kathleen Jansen

Pat M. Donofrio  
Judges

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

Pursuant to MCR 7.205(D)(2), the Court orders that the Oakland Circuit Court's May 13, 2010 order is REVERSED IN PART to the extent it finds that the sudden emergency doctrine cannot apply to this case and may not be presented as a defense at trial. Genuine issues of material fact exist regarding whether defendant driver was faced with a sudden emergency not of her own making and whether she was negligent under the circumstances presented. Those questions should be decided by the finder of fact at trial. *White v Taylor Distributing Co Inc*, 482 Mich 136; 753 NW2d 591 (2008). In all other respects the application for leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review. This order is to have immediate effect. MCR 7.215(F)(2).

The motion to waive production of the transcript otherwise required by MCR 7.209(A)(3) is GRANTED.

The motion for stay is DENIED.

This Court retains no further jurisdiction.



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

JUL 30 2010  
Date

*Sandra Schultz Mengel*  
Chief Clerk