

Court of Appeals, State of Michigan

ORDER

Genesee County Road Commission v Blue Cross and Blue Shield

Docket No. 300931

LC No. 09-091910-CL

Mark J. Cavanagh
Presiding Judge

Henry William Saad

Elizabeth L. Gleicher
Judges

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the Genesee Circuit Court's August 16, 2010 order denying plaintiffs' motion to certify a class action is VACATED. The record provided reveals minimal support for the circuit court's finding that the various claims presented by members of the potential class lacked "commonality or typicality." MCR 3.501(A)(1)(b) and (c). The matter is REMANDED to the circuit court for additional discovery on the issues of commonality and typicality, including discovery on the communications between defendant's agents and potential members of the class.

Following such discovery, plaintiffs may again move for class certification.


This Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

AUG 23 2011

Date


Chief Clerk