

Court of Appeals, State of Michigan

ORDER

Michael Ricketts v Midwest Bridge Company

Docket No. 307397

LC No. 09-000713-NO

Jane E. Markey
Presiding Judge

David H. Sawyer

Jane M. Beckering
Judges

The motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court reverses that part of the circuit court's May 9, 2011 order granting summary disposition to defendant Neimi Corporation, as well as that part of the circuit court's October 28, 2011 order denying plaintiffs' motion for reconsideration of the part of the May 9, 2012 order granting summary disposition to Neimi. Considering the evidence presented to the circuit court, Neimi Corporation had a duty separate and distinct from its contractual obligations, and that duty was to exercise ordinary care so as to not unreasonably endanger the employees of other subcontractors on the site. The circuit court erred in concluding otherwise. *Loweke v Ann Arbor Ceiling & Partition Co, LLC*, 489 Mich 157, 169-170; 809 NW2d 553 (2011); *Ghaffari v Turner Construction Co (On Remand)*, 268 Mich App 460, 466 (2006), citing *Johnson v A & M Custom Built Homes of West Bloomfield, PC*, 261 Mich App 719, 722; 683 NW 2d 229 (2004). We do not decide whether the duty was breached. We only decide that the duty exists.

We remand for further proceedings consistent with this order. We do not retain jurisdiction.



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

JUL 03 2012

Date


Chief Clerk