

Court of Appeals, State of Michigan

ORDER

Phillip Glenn v TPI Petroleum Inc

Docket No. 307657

LC No. 10-014235-CE

Christopher M. Murray
Presiding Judge

Michael J. Talbot

Cynthia Diane Stephens
Judges

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

In a prior interlocutory appeal, in lieu of granting leave, pursuant to MCR 7.205(D)(2), this Court vacated the trial court's June 28, 2011, order denying the motion summary disposition filed by Valero Energy Corporation, remanded with directives for the trial court to address and did not retain jurisdiction. *Phillip Glenn v TPI Petroleum Inc*, unpublished order of the Court of Appeals, issued October 7, 2011 (Docket No. 305145). The trial court issued an order complying with this Court's order on November 23, 2011, and subsequently entered an order denying summary disposition on December 16, 2011, which essentially replaced the earlier order denying summary disposition that was vacated by this Court. Because the application for leave was filed before the entry of the December 16, 2011, order, this Court's jurisdiction and review is limited to the November 23, 2011, order. See MCR 7.203(B) and MCR 7.205(A).

Accordingly, the Court orders that the application for leave to appeal is DENIED without prejudice to Valero Energy Corporation filing a delayed application for leave to appeal from the December 16, 2011, order under MCR 7.205(F).

The motion to file a reply brief is GRANTED.

The motion for stay is DENIED.



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

FEB 15 2012

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk