

Court of Appeals, State of Michigan

ORDER

Paul Cook v Home-Owners Insurance Co

Docket No. 308571

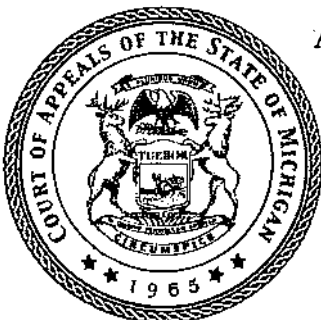
LC No. 2011-015356-AV

Joel P. Hoekstra
Presiding Judge

William B. Murphy, C. J.

Jane M. Beckering
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court PEREMPTORILY REVERSES the decision of the circuit court, VACATES the January 23, 2012 order of the circuit court and REINSTATES the October 4, 2011 order of the district court granting summary disposition in favor of defendant. Plaintiff's restitution obligation arises as a statutorily-mandated sentencing consequence of his plea of guilty to the charge of attempted reckless driving, MCL 780.766(2), and from an order of restitution entered by the sentencing judge following defendant's sentence, and not as a result of "damages" for bodily injury for which the insured became legally responsible as a result of an automobile accident. The plain language of the insurance policy provides no coverage for the former. This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



A true copy entered and certified by Angela P. DiSessa, Acting Chief Clerk, on

JUL - 9 2013

Date

Angela P. DiSessa
Acting Chief Clerk