

Court of Appeals, State of Michigan

ORDER

Aljarbo No 3 v A&K Associates Inc

Docket No. 310388

LC No. 11-000205-CK

Kurtis T. Wilder
Presiding Judge

Cynthia Diane Stephens

Michael J. Riordan
Judges

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

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the May 3, 2012, order of the Wayne Circuit Court denying defendants-appellants Elite and Jonnas' motion for summary disposition hereby is REVERSED IN PART, only as to the civil conspiracy allegation. Where plaintiffs failed to rebut evidence that no genuine issue of material fact exists as to the elements of civil conspiracy, the trial court should have granted summary disposition. See *Nastal v Henderson & Assoc Investigations, Inc*, 471 Mich 712, 725; 691 NW2d 1 (2005). The case is remanded to the circuit court for further proceedings consistent with this order.

In all other respects, the application for leave to appeal is DENIED.



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

MAR 01 2013

Date

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