

Court of Appeals, State of Michigan

ORDER

Scott Owens v State Farm Mutual Automobile Insurance Company

Docket No. 315232

LC No. 2011-000309-NF

Mark T. Boonstra
Presiding Judge

David H. Sawyer

Jane E. Markey
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 trial court, VACATES the February 21, 2013 order and REMANDS this matter to the trial court for entry of an order granting summary disposition to defendant. The SUV was not "involved" in the accident as a matter of law. The mere presence of the SUV on the roadway and its operation in a normal manner are insufficient to establish that the SUV actively contributed to the accident. *Turner v Auto Club Ins Ass'n*, 448 Mich 22, 39; 528 NW2d 681 (1995). This order has immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

OCT 28 2013

Date


Chief Clerk