

Court of Appeals, State of Michigan

ORDER

Valerie Tinsley v Farmers Insurance Exchange

Docket No. 316520

LC No. 13-006149-AV

Cynthia Diane Stephens
Presiding Judge

Michael J. Talbot

Christopher M. Murray
Judges

The Court orders that the order of June 26, 2013, is VACATED only to the extent that it held the instant matter in abeyance.

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(E)(2), that the May 14, 2013, order of the Wayne Circuit Court affirming the district court's denial of the motion to dismiss and the district court's order of May 7, 2013, denying the motion to dismiss based on subject matter jurisdiction hereby are VACATED. Pursuant to *Moody v Get Well Medical Treatment*, __ Mich App __ (Docket Nos. 301783, 301784; issued February 25, 2014), a district court presiding over an action where a plaintiff has patently claimed damages above the \$25,000 amount-in-controversy limit of the court's jurisdiction should either dismiss the case as outside its subject matter jurisdiction or transfer it to the circuit court. The case is REMANDED to the district court for it to reconsider defendant's motion for summary disposition in light of *Moody*.

This order is to have immediate effect, MCR 7.215(F)(2).

The Court retains no further jurisdiction.



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

MAR 11 2014

Date


Chief Clerk