

**Court of Appeals, State of Michigan**

**AMENDED ORDER**

Jerry Allen Harmon II v Enbridge Energy Limited Partnership

Docket No. 321288

LC No. 2012-000548-NZ

David H. Sawyer  
Presiding Judge

William B. Murphy, C.J.

Joel P. Hoekstra  
Judges

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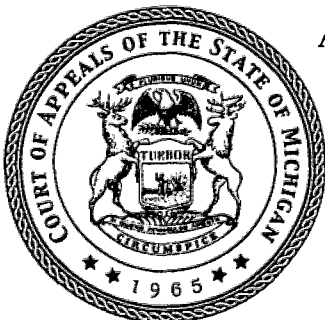
The Court orders that the motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court finds that the circuit court erred in granting partial summary disposition under MCR 2.116(I)(2) to plaintiffs, *Locke v Pachtman*, 446 Mich 216, 228-229; 521 NW2d 786 (1994), and so, VACATES that part of the Court's February 27, 2014 order. In all other respects, the application for leave to appeal is DENIED for failure to persuade of the need for immediate review.

The Court orders that the motion to waive the requirements of MCR 7.209(A)(3) is GRANTED.

The Court orders that the motion for stay is DENIED.

The Court orders that the case is REMANDED for further proceedings. We do not retain jurisdiction.



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

**MAY 28 2014**

Date

Chief Clerk