Court of Appeals, State of Michigan

ORDER

William Lowell Elston v Progressive Michigan Insurance Company

Docket No. 321769

LC No. 14-004934-CK

Michael J. Riordan
Presiding Judge

Michael J. Talbot

Kurtis T. Wilder
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the delayed application for leave to appeal, the Court orders that the April 10, 2014 order, denying defendant's motion for partial summary disposition, is REVERSED. Plaintiff's claim for benefits in this particular case is limited by the one-year-back rule of MCL 500.3145(1); the one-year-back rule was not tolled by the filing of the previous action. See *Joseph v Auto Club Ins Ass'n*, 491 Mich 200; 815 NW2d 412 (2012).

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

This Court retains no further jurisdiction.

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

AUG 22 2014

Date

Chief Clerk