

# Court of Appeals, State of Michigan

## ORDER

Jason Christopher Giffen v City of Lansing  
Barry Morofsky v City of Lansing

Docket Nos. 316820; 316823

LC Nos. 11-000621-NI; 11-000358-NI

Kirsten Frank Kelly  
Presiding Judge

David H. Sawyer

Patrick M. Meter  
Judges

This Court previously held this matter in abeyance pending the Supreme Court's decision in *Hannay v Dep't of Transportation*, Supreme Court No. 146763, and the Supreme Court decided that case on December 19, 2014. We now AFFIRM the trial court's denial of defendant's motion for partial summary disposition. We REMAND to the trial court for further proceedings consistent with this order and the Supreme Court's decision in *Hannay*. We caution the trial court that, to the extent that plaintiffs seek damages for loss of earning capacity, the Supreme Court's decision in *Hannay* significantly restricts the recovery of such damages.

We do not retain jurisdiction. Plaintiffs may tax costs.



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

JAN 14 2015

Date

  
Chief Clerk