

Court of Appeals, State of Michigan

ORDER

Darian Gray v Titan Insurance Company

Docket No. 332857

LC No. 14-015689-NF

Christopher M. Murray
Presiding Judge

Karen M. Fort Hood

Michael J. Riordan
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court orders that the April 18, 2016 order denying defendant's motion for summary disposition is VACATED. The trial court denied the motion because it determined that there was a question of fact regarding whether the language on defendant's check to the medical provider was a conspicuous statement that the instrument was tendered in full satisfaction of the claim. However, the determination of conspicuousness is a decision for the court. MCL 440.1201(j). This matter is REMANDED to the circuit court for further proceedings.

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

SEP 21 2016

Date

Chief Clerk