

Court of Appeals, State of Michigan

ORDER

Jennifer Grzebyk v Automobile Club Ins Assn

Docket No. 333707

LC No. 2015-148519-NF

Kathleen Jansen
Presiding Judge

Mark J. Cavanagh

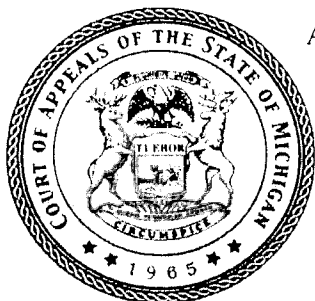
Colleen A. O'Brien
Judges

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

Pursuant to MCR 7.205(E)(2), the Court orders that the circuit court's June 13, 2016, order granting plaintiff's motion to file a second amended complaint is REVERSED. Plaintiff's second amended complaint contains no factual allegations explaining the manner in which plaintiff relied on defendant's alleged fraudulent representations. Because reliance is an element of a fraudulent misrepresentation claim, *Derderian v Genesys Health Care Sys*, 263 Mich App 364, 378; 689 NW2d 145 (2004), plaintiff's second amended complaint failed to state a claim upon which relief may be granted in that regard. In all other respects, the application for leave to appeal is DENIED.

This Court retains no further jurisdiction.

O'Brien, J., would also reverse the trial court's order to allow the deposition of Nicole Whitlow, Defendant's Vice President of Casualty Claims.



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

SEP 23 2016

Date

Chief Clerk