

Court of Appeals, State of Michigan

ORDER

Gabriela N Nolen v Estate of Charles L Laura

Docket No. 330621

LC No. 14-000850-CZ

Cynthia Diane Stephens
Presiding Judge

Kirsten Frank Kelly

Christopher M. Murray
Judges

The Court orders that the motion for sanctions for vexatious proceedings is DENIED.

The Court also orders that the motion for clarification and to correct clerical error in June 22, 2017 opinion is GRANTED. The June 22, 2017 opinion is hereby AMENDED to correct the following:

The last two sentences of the first paragraph of section III on page 5 which read: "We similarly conclude that plaintiff has failed to establish a genuine issue of material fact with respect to the nuisance and intentional infliction of emotional distress claims. However, we conclude that a question of fact exists with respect to the assault and battery claim and, therefore, reverse the trial court's dismissal of that claim;" are corrected to read: "We similarly conclude that plaintiff has failed to establish a genuine issue of material fact with respect to her claims."

The last sentence of section III.D on page 9 which reads: "However, the court did not consider the concept of 'particulate touching;'" is revised to read: "We agree. We also find that plaintiff failed to establish a prima facie case that defendant's conduct resulted 'from an act intended to cause such a contact' or that the injuries alleged were caused by defendant's actions."

In all other respects, the June 22, 2017 opinion remains unchanged.

K.F. Kelly, J., would grant the motion for sanctions for vexatious proceedings.



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

AUG 17 2017
Date

Jerome W. Zimmer Jr.
Chief Clerk