

Court of Appeals, State of Michigan

ORDER

Estate of Kathryn Brackett v Crystal Springs

Docket No. 339328

LC No. 17-00318-NI

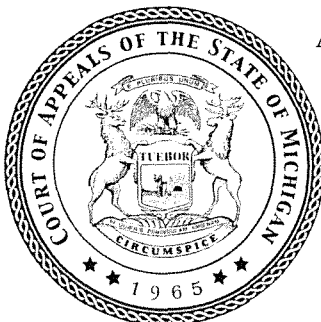
David H. Sawyer
Presiding Judge

William B. Murphy

Douglas B. Shapiro
Judges

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

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court orders that the case is REMANDED for the circuit court to reconsider its ruling on defendant's motion for stay of proceedings in light of newly available information regarding the status of the two witnesses' criminal proceedings. The circuit court shall consider that information and directly address defendant's argument regarding the need for the stay. See *Britt v International Bus Services, Inc.*, 679 NYS2d 616, 617; 255 AD2d 143 (1988), and *City of Detroit v Colling*, 16 Mich App 574, 575; 168 NW2d 447 (1969), quoting *Decker v State* (1925), 113 Ohio St 512 (150 NE 74) ("The right to present a defense is basic in every lawsuit of every kind whatever.") We do not retain jurisdiction.



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

OCT 12 2017

Date


Chief Clerk