

Court of Appeals, State of Michigan

ORDER

Physiatry and Rehab Associates v Farm Bureau Mutual Insurance Co

Thomas C. Cameron
Presiding Judge

Docket No. 342288

Karen M. Fort Hood

LC No. 15-008788-NF

Anica Letica
Judges

In lieu of granting the application for leave to appeal, the Court orders, pursuant to MCR 7.205(E)(2), that the August 10, 2017 order of the Wayne Circuit Court granting defendant's motion to dismiss hereby is VACATED. In light of defense counsel's assertion at the May 5, 2017 hearing that the release signed by Taghreed Al-Jaboori did not include plaintiff's claims, an assertion upon which the circuit court relied, defendant was estopped from later arguing that the release did include plaintiff's claims for reimbursement for services it provided to Taghreed Al-Jaboori. See *Spohn v Van Dyke Public Schools*, 296 Mich App 470, 480; 822 NW2d 239 (2012). The case is REMANDED to the circuit court for further proceedings, where the court is to consider this case in light of *Shah v State Farm Mutual Auto Ins Co*, ___ Mich App __; ___ NW2d __ (Docket No. 340370, issued May 8, 2018).

This order is to have immediate effect, MCR 7.215(F)(2).

The Court retains no further jurisdiction.



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

JUL 17 2018

Date


Chief Clerk