

Court of Appeals, State of Michigan

ORDER

MemberSelect Insurance Co v State Farm Mutual Automobile Ins Co

Thomas C. Cameron
Presiding Judge

Docket No. 349012

Kirsten Frank Kelly

LC No. 15-013103-NF

Michael J. Riordan
Judges

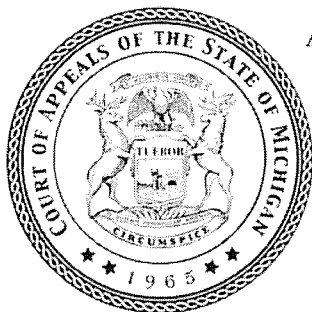
The Court orders that the motion for immediate consideration is GRANTED.

The motion to waive production of the transcript is GRANTED.

Pursuant to MCR 7.205(E)(2), and in lieu of granting the delayed application for leave to appeal, the Court orders that the Wayne Circuit Court's April 22, 2019 order denying plaintiff's motion for summary disposition as to the involvement of a motor vehicle in the October 9, 2014 accident is REVERSED. The facts of this case establish that the vehicle insured by defendants actively contributed to the accident. See *Detroit Med Ctr v Progressive Mich Ins Co*, 302 Mich App 392, 395-396; 838 NW2d 910 (2013). Unlike in *Detroit Med Ctr*, the evidence establishes that, due to the sudden stopping of the vehicle driven by defendants' insured, plaintiff's insured had an actual need to take evasive action to avoid a collision with that vehicle. Cf. *Detroit Med Ctr*, 302 Mich App at 398-399. Plaintiff is entitled to summary disposition on this issue. This matter is REMANDED for further proceedings consistent with this order.

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

We do not retain jurisdiction.



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

MAY 31 2019

Date


Chief Clerk