

# Court of Appeals, State of Michigan

## ORDER

Shaina Breece v Monika Johnson

Docket No. 351031

LC No. 18-011516-NI

Thomas C. Cameron  
Presiding Judge

Christopher M. Murray

Anica Letica  
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the application, the Court orders that the Wayne Circuit Court's September 13, 2019 opinion and order is VACATED and this case is REMANDED for further proceedings consistent with this order. On this record, there is no genuine issue of material fact that the subject no-fault insurance policy was fraudulently induced by material misrepresentations in the insurance application. Thus, the defendant insurer, Citizens Insurance Company of the Midwest, is entitled to rescind the subject policy so long as the equities balance in favor of that result. See *Bazzi v Sentinel Ins Co*, 502 Mich 390, 410; 919 NW2d 20 (2018). In balancing the equities on remand, the trial court shall reconsider its previous analysis by utilizing the test adopted in *Pioneer State Mut Ins Co v Wright*, \_\_\_ Mich App \_\_\_, \_\_\_; \_\_\_ NW2d \_\_\_ (2020) (Docket No. 347072); slip op at 7.

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

FEB 13 2020

Date

Chief Clerk