

**Court of Appeals, State of Michigan**

**ORDER**

Damien Eric Martin v MEEMIC Insurance Company

Docket No. 352232

LC No. 18-013919-NF

Kirsten Frank Kelly  
Presiding Judge

Karen M. Fort Hood

Thomas C. Cameron  
Judges

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The Court orders that the motions for immediate consideration and waiver of the transcript requirement under MCR 7.209 are GRANTED.

Pursuant to MCR 7.205(E)(2), in lieu of granting defendant's delayed application, we REVERSE the Wayne Circuit Court's November 8, 2019 order granting partial summary disposition to plaintiff and REMAND this matter to the trial court for further proceedings consistent with this order. Given the pending discovery motions and unadjudicated allegations of fraud, the trial court's grant of partial summary disposition was premature. See *Bazzi v Sentinel Ins Co*, 502 Mich 390, 408-411; 919 NW2d 20 (2018); *Peterson Novelties, Inc v City of Berkley*, 259 Mich App 1, 24-25; 672 NW2d 351 (2003). Moreover, "work-loss damages are only available if the accident was the 'but for' cause—i.e., cause-in-fact—of the work loss," *Hannay v Dep't of Transp*, 497 Mich 45, 79-80; 860 NW2d 67 (2014), and in light of the substantively admissible expert-opinion evidence presented by defendant, there remains a genuine issue of material fact about whether plaintiff is entitled to the disputed work-loss benefits.

The motion to stay is DENIED as moot.

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

**MAR 06 2020**

Date

  
Chief Clerk