

STATE OF MICHIGAN
COURT OF APPEALS

MICHIGAN MUTUAL INSURANCE COMPANY
OF AMERICA, CITIZENS INSURANCE
COMPANY OF AMERICA, KURT D.
GALLINGER, THOMAS E. HOEG, and D. JOSEPH
OLSON,

Plaintiffs-Appellants,

and

MICHIGAN INSURANCE PARTNERSHIP
and MICHIGAN ACCIDENT FUND
PARTNERS,

Intervening Plaintiffs,

v

DEPARTMENT OF TREASURY, STATE
TREASURER, CHIEF DEPUTY STATE
TREASURER, and REVENUE
COMMISSIONER,

Defendants-Appellees,

and

BLUE CROSS AND BLUE SHIELD OF
MICHIGAN,

Intervening Defendant-
Appellee.

UNPUBLISHED
May 28, 1996

No. 176994
LC No. 94-077653-AW

* Circuit judge, sitting on the Court of Appeals by assignment.

Before: Michael J. Kelly, P.J., and Bandstra and S.B. Miller,* JJ.

PER CURIAM.

This matter having come on for oral argument on appeal of plaintiffs-appellants, and the parties having stipulated to the dismissal of plaintiff, D. Joseph Olson as a party, and the Court having heard argument from counsel for the parties, and being fully advised,

Now Therefore, IT IS ORDERED that the plaintiff, D. Joseph Olson, is stricken from this cause as a party, and,

IT IS FURTHER ORDERED that the instant action is DISMISSED AS MOOT. An issue is moot when the occurrence of an event renders it impossible for the Court to fashion a remedy. Plaintiffs herein filed a second, essentially identical, complaint on June 15, 1994, the day the bid was awarded to intervening defendant-appellee, Blue Cross and Blue Shield of Michigan. That second complaint was resolved on the merits in circuit court and is now pending on appeal to this Court. The issues raised in this action have already been decided in the second action. This case is moot.

Dismissed.

/s/ Michael J. Kelly
/s/ Richard P. Bandstra
/s/ Stephen B. Miller