

STATE OF MICHIGAN
COURT OF APPEALS

SYLVIA JEANETTE ADAMS

Plaintiff-Appellant,

v

SHEPHERD PRODUCTS, USA, INC.,

Defendant-Appellee.

UNPUBLISHED

January 28, 1997

No. 199681

Berrien Circuit Court

LC No. 88-002662-NP-G,

ON REMAND

Before: Doctoroff, P.J., and Murphy and Fitzgerald, JJ.

MEMORANDUM.

This case comes to us on remand from our Supreme Court. In a May 23, 1995, unpublished per curiam opinion (Judge Allen dissenting), Docket No. 157008, we reversed the jury verdict of no cause of action, concluding that the jury was improperly instructed. Defendant's application for leave to appeal in the Supreme Court was held in abeyance pending the Supreme Court's decision in *Travis v Dreis & Krump Mfg Co*, 453 Mich 149; 551 NW2d 149 (1996). On November 22, 1996, the Supreme Court remanded this case to this panel for reconsideration in light of *Travis*.

After a review of *Travis*, we find nothing that requires us to amend or modify any part of our previous opinion. Plaintiff is entitled to a new trial.

Reversed and remanded for proceedings consistent with this Court's opinions.

/s/ Martin M. Doctoroff

/s/ William B. Murphy

/s/ E. Thomas Fitzgerald