

# Order

Michigan Supreme Court  
Lansing, Michigan

April 30, 2010

Marilyn Kelly,  
Chief Justice

139345-7

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

CHRISTOPHER LEE DUNCAN, BILLY JOE  
BURR, JR., STEVEN CONNOR, ANTONIO  
TAYLOR, JOSE DAVILA, JENNIFER  
O'SULLIVAN, CHRISTOPHER MANIES, and  
BRIAN SECREST,

Plaintiffs-Appellees,

v

STATE OF MICHIGAN and GOVERNOR OF  
MICHIGAN,

Defendants-Appellants.

SC: 139345  
COA: 278652  
Ingham CC: 07-000242-CZ

---

CHRISTOPHER LEE DUNCAN, BILLY JOE  
BURR, JR., STEVEN CONNOR, ANTONIO  
TAYLOR, JOSE DAVILA, JENNIFER  
O'SULLIVAN, CHRISTOPHER MANIES, and  
BRIAN SECREST,

Plaintiffs-Appellees,

v

STATE OF MICHIGAN and GOVERNOR OF  
MICHIGAN,

Defendants-Appellants.

SC: 139346  
COA: 278858  
Ingham CC: 07-000242-CZ

---

CHRISTOPHER LEE DUNCAN, BILLY JOE  
BURR, JR., STEVEN CONNOR, ANTONIO  
TAYLOR, JOSE DAVILA, JENNIFER  
O'SULLIVAN, CHRISTOPHER MANIES, and  
BRIAN SECREST,

Plaintiffs-Appellees,

v

SC: 139347  
COA: 278860  
Ingham CC: 07-000242-CZ

STATE OF MICHIGAN and GOVERNOR OF  
MICHIGAN,  
Defendants-Appellants.

---

On order of the Court, leave to appeal having been granted and the briefs and oral arguments of the parties having been considered by the Court, we hereby VACATE the trial court's order granting the plaintiffs' motion for class certification and REMAND this case to the Ingham Circuit Court for consideration of the plaintiffs' motion for class certification in light of this Court's opinion in *Henry v Dow Chemical Co*, 484 Mich 483 (2009).

As to the defendants' appeal of the decision on their motion for summary disposition, we hereby AFFIRM the result only of the Court of Appeals majority for different reasons. This case is at its earliest stages and, based solely on the plaintiffs' pleadings in this case, it is premature to make a decision on the substantive issues. Accordingly, the defendants are not entitled to summary disposition at this time.

We do not retain jurisdiction.



0427

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 30, 2010

*Corbin R. Davis*

Clerk