

Order

**Michigan Supreme Court
Lansing, Michigan**

October 22, 2012

Robert P. Young, Jr.,
Chief Justice

144499(49)

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

E. T. MACKENZIE CO.,
Plaintiff/Counter-Defendant/
Cross-Plaintiff/Cross-Defendant-
Appellant,

v

SC: 144499
COA: 297406
Clinton CC: 06-010088-CH

RBS CONSTRUCTION, INC. a/k/a RBS
COMPANIES, INC. and KBB CONSTRUCTION,
INC.,

Defendants,

and

LANSING CLASSIC LIVING, L.L.C.,
Defendant/Counter-Defendant/
Cross-Defendant,

and

INDEPENDENT BANK WEST MICHIGAN,
Defendant/Counter-Plaintiff/
Counter-Defendant/Cross-Plaintiff/
Third-Party Plaintiff-Appellee,

v

KEBS, INC., SPARTAN IRRIGATION, INC.,
AMERI-CONSTRUCTION & CONCRETE, INC.,
TREES, INC., and MPC CASH-WAY LUMBER,
CO.,

Third-Party Defendants/Third-Party
Cross-Plaintiffs/Third-Party Counter-
Plaintiffs-Appellants,

and

G & B SUPPLY CO., HARRIS HOMES
 CARPENTRY, INC., MCGUIRE
 MECHANICAL, INC., THOMAS H. MALLORY,
 PARAGON CONSTRUCTION CO., LTD., VANS
 EXCAVATING, LTD., KENNETH F. DANTER,
 WILLIAM E. HOLLAND, III, CHRISTENSEN'S
 PLANT CENTER, INC., GUNNER PLUMBING,
 INC., STREAMLINE ENTERPRISES, INC.,
 TODD FISHER a/k/a TF & KC PAINTING, INC.,
 TOTAL OUTDOOR SERVICES, INC.,
 MCPHERSON BUILDERS, INC., and E.W.
 KITCHENS, INC.,

Third-Party Defendants,

and

THOMPSON-MCCULLY ASPHALT PAVING,
 L.L.C. a/k/a MICHIGAN PAVING &
 MATERIALS CO. d/b/a SPARTAN ASPHALT
 PAVING CO.,

Third-Party Defendant/Third-Party
 Counter-Plaintiff/Third-Party
 Cross-Plaintiff-Appellee.

On order of the Court, the motion for reconsideration of this Court's July 24, 2012 order is considered, and it is DENIED, because it does not appear that the order was entered erroneously.



h1015

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.

October 22, 2012

Corbin R. Davis

Clerk