

Order

Michigan Supreme Court
Lansing, Michigan

May 25, 2016

152535

JOSEPH G. NICKOLA, Personal Representative
for the Estate of GEORGE and THELMA
NICKOLA,
Plaintiff-Appellant,

v

MIC GENERAL INSURANCE COMPANY,
d/b/a GMAC INSURANCE,
Defendant-Appellee.

SC: 152535
COA: 322565
Genesee CC: 05-081192-NI

Robert P. Young, Jr.,
Chief Justice

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

On order of the Court, the application for leave to appeal the September 24, 2015 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.305(H)(1). The parties shall file supplemental briefs within 42 days of the date of this order addressing: (1) whether an insured making a claim for underinsured motorist benefits may be considered to be a “third party tort claimant” under MCL 500.2006(4), thereby requiring the insurer to pay twelve percent interest for failing to pay the claim on a timely basis *only if* the claim “is not reasonably in dispute”; and (2) whether the Court of Appeals decision in this case is consistent with *Yaldo v North Pointe Ins Co*, 457 Mich 341 (1998), and *Griswold Properties, LLC v Lexington Ins Co*, 276 Mich App 551 (2007). The parties should not submit mere restatements of their application papers.

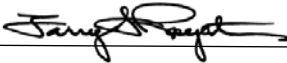
Persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Larry S. Royster, 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.

May 25, 2016


Clerk