

Order

**Michigan Supreme Court
Lansing, Michigan**

December 21, 2016

Robert P. Young, Jr.,
Chief Justice

153830
153889

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

RONNIE DANCER and ANNETTE DANCER,
Plaintiffs-Appellees,

v

SC: 153830
COA: 324314
Kalamazoo CC: 2012-000571-NO

CLARK CONSTRUCTION COMPANY, INC.,
Defendant-Appellant,

and

BETTER BUILT CONSTRUCTION SERVICES,
INC.,
Defendant-Appellee.

RONNIE DANCER and ANNETTE DANCER,
Plaintiffs-Appellees,

v

SC: 153889
COA: 324314
Kalamazoo CC: 2012-000571-NO

CLARK CONSTRUCTION COMPANY, INC.,
Defendant-Appellee,

and

BETTER BUILT CONSTRUCTION SERVICES,
INC.,
Defendant-Appellant.

On order of the Court, the applications for leave to appeal the April 26, 2016 judgment of the Court of Appeals are considered. We direct the Clerk to schedule oral argument on whether to grant the application for leave to appeal in Docket No. 153830 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 whether the plaintiffs presented sufficient evidence to establish genuine issues of material fact with regard to the common-work-area doctrine's "element three, danger creating a high degree of risk to a significant number of workmen, and element four, a common work area." *Ormsby v Capital Welding, Inc*, 471 Mich 45, 58-59 (2004). The parties should not submit mere restatements of their application papers.

The application for leave to appeal in Docket No. 153889 remains pending.



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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.

December 21, 2016

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk