

Order

Michigan Supreme Court
Lansing, Michigan

November 23, 2016

Robert P. Young, Jr.,
Chief Justice

154499 & (17)

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

SEBASTIAN KUHLGERT, Conservator of
ELISABETH OSTENDORF,
Plaintiff-Appellee,

v

SC: 154499
COA: 332442
Ct of Claims: 15-000047-MZ

MICHIGAN STATE UNIVERSITY and BOARD
OF TRUSTEES OF MICHIGAN STATE
UNIVERSITY,

Defendants,

and

UNITED EDUCATORS,
Intervening Defendant-Appellant.

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the September 12, 2016 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted. The Court of Appeals shall consider: (1) whether the plaintiff's claims are barred by the exclusive remedy provision of the Worker's Disability Compensation Act (WDCA), see MCL 418.131(1); *Sewell v Clearing Machine Corp*, 419 Mich 56, 62 (1984); and if not, (2) whether the Court of Claims erred by denying United Educators' motion to intervene.

We do not retain jurisdiction.



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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.

November 23, 2016

Clerk