

Order

Michigan Supreme Court
Lansing, Michigan

May 12, 2017

Stephen J. Markman,
Chief Justice

154591

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen
Kurtis T. Wilder,
Justices

FRANCES A. MILLER,
Petitioner-Appellee,

v

SC: 154591
COA: 326300
Washtenaw CC: 11-001099-AA

BLUE CROSS BLUE SHIELD OF MICHIGAN,
Respondent-Appellant,

and

OFFICE OF FINANCIAL AND INSURANCE
REGULATION,
Respondent.

On order of the Court, the application for leave to appeal the September 6, 2016 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and we REMAND this case to the Washtenaw Circuit Court for entry of an order denying the petitioner's motion for attorney fees and costs. There is no basis in this case to conclude that respondent presented a position that was "grossly lacking in the requirements of propriety, violated court rules, or grossly disregarded the requirements of a fair presentation of the issues to the court." MCR 7.216(C). Further, the Court of Appeals erred by equating the circuit court's invalid finding of frivolousness under MCL 600.2591 with a finding of vexatiousness under MCR 7.216(C).

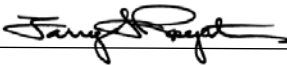
WILDER, J., took no part in the decision of this case.



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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 12, 2017


Clerk