

Order

Michigan Supreme Court
Lansing, Michigan

September 23, 2020

Bridget M. McCormack,
Chief Justice

160186

David F. Viviano,
Chief Justice Pro Tem

COUNTY OF INGHAM, COUNTY OF
JACKSON, and COUNTY OF CALHOUN,
Plaintiffs-Appellees,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 160186
COA: 334077
Ingham CC: 15-000432-NZ

MICHIGAN COUNTY ROAD COMMISSION
SELF-INSURANCE POOL,
Defendant-Appellant.

/

On order of the Court, the application for leave to appeal the July 25, 2019 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The appellant shall file a supplemental brief within 42 days of the date of this order addressing: (1) whether the Court of Appeals properly held that the plaintiff Counties are successors in interest to their respective road commissions, which were dissolved pursuant to MCL 46.1 *et seq.*, and MCL 224.1 *et seq.*; (2) whether the Court of Appeals properly held that plaintiff Jackson County was a member of defendant Michigan County Road Commission Self-Insurance Pool (Pool) despite having dissolved its road commission; and (3) whether the Court of Appeals properly held that the plaintiff Counties are entitled to refunds of surplus premiums paid to the Pool because the forfeiture provisions in the defendant Pool's governing documents, which comprise the parties' binding contractual agreement, are unenforceable as against public policy and must be severed, and whether this issue was properly preserved by the plaintiff Counties. In addition to the brief, the appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellees shall file a supplemental brief within 21 days of being served with the appellant's brief. The appellees shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. A reply, if any, must be filed by the appellant within 14 days of

being served with the appellees' brief. The parties should not submit mere restatements of their application papers.

The Boards of County Road Commissioners and the Government Law and Insurance Law Sections of the State Bar of Michigan are invited to file briefs amicus curiae. Other 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.



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.

September 23, 2020

s0916

A handwritten signature of Larry S. Royster, Clerk of the Michigan Supreme Court.

Clerk