

Order

Michigan Supreme Court
Lansing, Michigan

March 29, 2006

Clifford W. Taylor,
Chief Justice

130076

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

DAVID W. McGUIRE, Individually and as
Next Friend of Ty N. McGuire,
Plaintiff-Appellee,

v

SC: 130076
COA: 251950
Wayne CC: 02-209709-NI

DEANNA LYNN SANDERS,
Defendant/Counter-Defendant,

and

GARTER BELT, INC., d/b/a LEGGS LOUNGE,
Defendant/Counter-Plaintiff,

and

HAMILTON'S HENRY VIII LOUNGE, INC.,
d/b/a HAMILTON PLACEMENT,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the November 15, 2005 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the decision of the Court of Appeals and REMAND this case to the Wayne Circuit Court for entry of an order of summary disposition in favor of Hamilton's Henry VIII Lounge, Inc. The retail licensee that sold alcohol to the allegedly visibly intoxicated defendant driver and was thereby made potentially liable under the dram shop statute, MCL 436.1801, was defendant Garter Belt, Inc., d/b/a Leggs Lounge, not defendant Hamilton's Henry VIII Lounge, Inc., d/b/a Hamilton Placement.

KELLY, J., would deny leave to appeal.



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I, Corbin R. Davis, 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.

March 29, 2006

Corbin R. Davis

Clerk