

Order

Michigan Supreme Court
Lansing, Michigan

September 15, 2006

Clifford W. Taylor,
Chief Justice

131109

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

BERNARD WATTS and TINA MOORE,
as Co-Personal Representatives of the
Estate of Kinte Jamar Watts, Deceased,
Plaintiffs-Appellees,

v

SC: 131109
COA: 267503
Cheboygan CC: 03-007255-NO

ANDRE NEVILS, PATRICIA EWING,
and MRS. BROWN,
Defendants-Appellants,

and

NORTHERN STRAITS MANAGEMENT
CO, L.L.C., d/b/a QUALITY INN & SUITES,
MIDWEST INNKEEPERS, CITY OF
PONTIAC, CITY OF PONTIAC SCHOOL
DISTRICT, DEBRA HARRIS, SUSAN
DECHOW, JOYCE EWING, and MARTIN
MAYERHOFER,
Defendants.

On order of the Court, the application for leave to appeal the January 18, 2006 order 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 judgment of the Court of Appeals and REMAND this case to that court for plenary consideration. Defendants had a right to an appeal under MCR 7.202(6)(a)(v) and 7.203(A)(1) because the circuit court order denied governmental immunity to these defendants. Whether there were factual issues remaining was irrelevant. See *Walsh v Taylor*, 263 Mich App 618, 625 (2004). We overrule *Newton v Michigan State Police*, 263 Mich App 251 (2004), to the extent that it is inconsistent with this order and *Walsh*.

KELLY, J., would grant 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.

September 15, 2006

Corbin R. Davis

Clerk