

Order

Michigan Supreme Court
Lansing, Michigan

February 7, 2007

132235

RICHARD E. HARVLIE,
Plaintiff-Appellee,
and

BLUE CROSS BLUE SHIELD OF
MICHIGAN,
Intervening Plaintiff-Appellee,

v

JACK POST CORPORATION and ST. PAUL
FIRE & MARINE INSURANCE COMPANY,
Defendants-Appellants.

Clifford W. Taylor,
Chief Justice

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

SC: 132235
COA: 270678
WCAC: 04-000445

On order of the Court, the application for leave to appeal the August 31, 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 REMAND this case to the Court of Appeals for consideration as on leave granted.

CORRIGAN, J., concurs and states as follows:

I concur in the order of remand, but I continue to adhere to the views that I expressed in my concurring statement in *Donoho v Wal-Mart Stores, Inc*, 474 Mich 1057 (2006).



t0131

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.

February 7, 2007

Clerk