

Order

**Michigan Supreme Court
Lansing, Michigan**

September 26, 2007

133772 & (46)

ESTATE OF CHANTELL BUCKNER, by its
Personal Representative, RICHARD RASHID,
and LAQUATA WRIGHT, Minor, by her
Conservator, MICHAEL J. PANEK,
Plaintiffs-Appellees,
Cross-Appellants,

v

CITY OF LANSING,
Defendant-Appellant,
Cross-Appellee,

and

ESTATE OF LUTHER WAMPLER, by its
Personal Representative, PAMELA WAMPLER,
Defendant, Cross-Plaintiff-Appellee,
Cross-Appellee,

and

MARTHA WAMPLER,
Defendant, Cross-Plaintiff,

and

MORLEY S. OATES POST 701 VETERANS OF
FOREIGN WARS OF THE UNITED STATES,
Defendant, Cross-Defendant-Appellee,
Cross-Appellee.

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: 133772
COA: 270455
Ingham CC: 05-001467-NI

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On order of the Court, the application for leave to appeal the March 15, 2007 judgment of the Court of Appeals and the application for leave to appeal as cross-appellant are considered. The application for leave to appeal is GRANTED. The parties shall include among the issues to be briefed: (1) whether the children's decision to risk walking in the street prevents the plaintiffs from establishing proximate causation; (2) whether the City of Lansing is entitled to governmental immunity because the injuries did not occur on the sidewalk that the City allegedly failed to maintain, i.e., the injuries

were not the direct result of the allegedly unmaintained condition; and (3) whether the statutory duty to “maintain the highway in reasonable repair,” MCL 691.1402(1), imposes obligations relating only to structural-type defects, or whether it includes a duty not to place temporary obstacles on a highway that render it impassable.

The Clerk of the Court is directed to place this case on the January 2008 session calendar for argument and submission. Appellant’s brief and appendix must be filed no later than November 16, 2007, and appellees’ brief and appendix, if appellees choose to submit an appendix, must be filed no later than December 17, 2007.

The Michigan Association of Justice, Michigan Defense Trial Counsel, Inc., and Michigan Municipal League 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.

The application for leave to appeal as cross-appellant is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.



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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 26, 2007

A handwritten signature in cursive script that reads "Corbin R. Davis".

Clerk