

Order

Michigan Supreme Court
Lansing, Michigan

February 8, 2008

Clifford W. Taylor,
Chief Justice

134408

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

LAURA K. FUNDUNBURKS,
Plaintiff-Appellee,

v

SC: 134408
COA: 274928
Ingham CC: 06-000062-NI

CAPITAL AREA TRANSPORTATION
AUTHORITY and MICHELLE BEARD,
Defendants-Appellants.

On order of the Court, the application for leave to appeal the May 31, 2007 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other preemptory action. MCR 7.302(G)(1). At oral argument, the parties are directed to discuss (1) whether the fact that the bus driver's deposition had not been taken was a sufficient reason to deny her motion for summary disposition; and (2) whether there is sufficient evidence to warrant a trial on the claim that defendant Beard's conduct, including her action of closing the doors of the bus while the plaintiff was attempting to exit the vehicle, constituted gross negligence or, on the contrary, that no reasonable juror could conclude that defendant Beard's conduct amounted to reckless conduct showing a substantial lack of concern as to whether injury would result, MCL 691.1407(7)(a), and thus that summary disposition should have entered for defendant Beard. MCL 691.1407(2)(c). See *Stanton v City of Battle Creek*, 466 Mich 611, 620-621 (2002). The parties may file supplemental briefs within 42 days of the date of this order, but they should not submit mere restatements of their application papers.



s0205

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 8, 2008

Corbin R. Davis

Clerk