

Order

Michigan Supreme Court
Lansing, Michigan

October 3, 2008

Clifford W. Taylor,
Chief Justice

134845

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

BRENDA L. MOSBY,
Plaintiff-Appellee,

v

SC: 134845
COA: 276313
WCAC: 05-000324

HART & COOLEY MANUFACTURING, INC.,
and INSURANCE COMPANY OF THE STATE
OF PENNSYLVANIA,
Defendants-Appellants.

On order of the Court, the application for leave to appeal the August 16, 2007 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE that portion of the decision of the Workers' Compensation Appellate Commission (WCAC) mailed January 24, 2007, which determined that the plaintiff has established a compensable disability within the meaning of *Sington v Chrysler Corp*, 467 Mich 144 (2002), and we REMAND this case to the WCAC for reconsideration in light of *Stokes v Chrysler LLC*, 481 Mich 266 (2008). The WCAC may remand this case to the Board of Magistrates for the taking of additional proofs and for further findings upon the request of a party. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.

We do not retain jurisdiction.

CAVANAGH, J., would deny leave to appeal.

WEAVER, J. (*dissenting*).

I dissent from the order remanding this case to the Workers' Compensation Appellate Commission for reconsideration in light of *Stokes v Chrysler LLC*, 481 Mich 266 (2008).

Because I dissented from the majority opinion in *Stokes*, I would grant leave to appeal in this case to consider whether the *Stokes* majority reached the correct decision in *Stokes*.

KELLY, J., joins the statement of WEAVER, J.



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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.

October 3, 2008

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

Clerk