

# Order

Michigan Supreme Court  
Lansing, Michigan

May 8, 2009

Marilyn Kelly,  
Chief Justice

136438(63)(65)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

BRETTON STONE,  
Plaintiff-Appellee,

v

SC: 136438  
COA: 275684  
WCAC: 05-000242

R.W. LAPINE, INC., and ACCIDENT FUND  
INSURANCE COMPANY OF AMERICA,  
Defendants-Appellants.

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On order of the Court, the motion for leave to file brief amicus curiae is GRANTED. The motion for reconsideration of this Court's September 17, 2008 order is considered, and it is GRANTED, in part. On reconsideration, we MODIFY our order dated September 17, 2008 by adding the following language at the end of the order: "Although the magistrate did not err by choosing to utilize MCL 418.371(6) to calculate the plaintiff's average weekly wage, he did err by failing to apply the specific formula provided in subsection (6). We REMAND this case to the Board of Magistrates for a recalculation of the plaintiff's average weekly wage using the formula stated in MCL 418.371(6)." In all other respects, the motion for reconsideration is DENIED.

We do not retain jurisdiction.

CORRIGAN, J., would deny reconsideration.



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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.

May 8, 2009

*Corbin R. Davis*

Clerk