

Order

Michigan Supreme Court
Lansing, Michigan

October 22, 2010

Marilyn Kelly,
Chief Justice

141179

Michael F. Cavanagh
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway
Alton Thomas Davis,
Justices

VALERIE ANDERSON,
Plaintiff-Appellant,

v

SC: 141179
COA: 295960
Cheboygan CC: 08-007855-NF

HARLEYSVILLE INSURANCE COMPANY,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the May 3, 2010 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the December 22, 2009 opinion and order of the Cheboygan Circuit Court and we REMAND this case to that court for reconsideration in light of *Univ of Mich Regents v Titan Ins Co*, 487 Mich ___ (Docket No. 136905, decided 7/31/10), overruling *Cameron v Auto Club Ins Ass'n*, 476 Mich 55 (2006).

We do not retain jurisdiction.

CORRIGAN, J. (*concurring*).

I concur in this Court's decision to remand this case in light of *Univ of Mich Regents v Titan Ins Co*, 487 Mich ___ (2010). However, I write separately to note that I continue to adhere to the positions stated in Justice MARKMAN's dissenting opinion in that case, which I joined, as well as my statement dissenting from this Court's decision to deny rehearing in that case. See *Univ of Mich Regents*, 487 Mich at ___ (2010) (MARKMAN, J., dissenting); *Univ of Mich Regents v Titan Ins Co*, ___ Mich ___ (10/15/10) (denying rehearing) (CORRIGAN, J., dissenting).

YOUNG, J. (*concurring*).

I concur in this Court's decision to remand this case in light of *Univ of Mich Regents v Titan Ins Co*, 487 Mich ___ (2010). However, I write separately to note that I

continue to adhere to the positions stated in Justice MARKMAN's dissenting opinion in that case, which I joined, as well as my statement dissenting from this Court's decision to deny rehearing in that case. See *Univ of Mich Regents*, 487 Mich at ___ (2010) (MARKMAN, J., dissenting); *Univ of Mich Regents v Titan Ins Co*, ___ Mich ___ (10/15/10) (denying rehearing) (YOUNG, J., dissenting). In particular, I note that the uncorrected confusion created by the majority opinion's use of "incompetent" where the statute plainly uses "insane" may prove especially troubling in cases such as this.



p1019

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 22, 2010

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

Clerk