

Order

Michigan Supreme Court
Lansing, Michigan

March 9, 2011

Robert P. Young, Jr.,
Chief Justice

141724

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

SAMUEL SOLOMON,
Plaintiff-Appellee,

v

SC: 141724
COA: 291780
Eaton CC: 08-000797-CK

BLUE WATER VILLAGE EAST, L.L.C.,
BLUE WATER VILLAGE SOUTH, L.L.C.,
and FADY, INC.,
Defendants-Appellants.

On order of the Court, the application for leave to appeal the July 29, 2010 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(H)(1). At oral argument, the parties shall address whether there is a genuine issue of material fact as to whether the alleged accumulation of ice on the concrete pad at the base of the stairs at the leased premises in this case rendered it unfit for the use intended by the parties. See MCL 554.139(1)(a) and *Allison v AEW Capital Management, LLP*, 481 Mich 419 (2008). 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.



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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.

March 9, 2011

Corbin R. Davis

Clerk