

Order

Michigan Supreme Court
Lansing, Michigan

May 25, 2011

Robert P. Young, Jr.,
Chief Justice

142438-9

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

DELAINA PATTERSON, as Personal
Representative for the Estate of Sherrill Turner,
Deceased, and Robert Turner, a Minor, Individually,
by his Next Friend, DELAINA PATTERSON,
Plaintiff-Appellee,

v

SC: 142438-9
COA: 288375, 291287
Wayne CC: 08-111034-NO

SHERRY NICHOLS,
Defendant,
and

TERRI SUTTON,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the December 7, 2010 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether the defendant had a duty to the decedent; (2) if so, whether the defendant's conduct can be viewed as the proximate cause of the decedent's death; (3) whether the defendant's conduct can be viewed as "so reckless as to demonstrate a substantial lack of concern for whether an injury results"; (4) whether a claim for intentional infliction of emotional distress is cognizable under the circumstances of this case; (5) if so, whether the defendant's conduct can be viewed as "extreme and outrageous"; (6) the degree of recklessness sufficient to meet the standard required to establish intentional infliction of emotional distress; (7) whether the defendant showed that she acted in good faith; and (8) whether the defendant was performing ministerial acts, as opposed to discretionary acts.

We further ORDER that this case be argued and submitted to the Court together with the case of *Patterson v Nichols* (Docket No. 142441), at such future session of the Court as both cases are ready for submission.



t0518

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 25, 2011

Corbin R. Davis

Clerk