

# Order

Michigan Supreme Court  
Lansing, Michigan

July 24, 2012

Robert P. Young, Jr.,  
Chief Justice

144499

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

E. T. MACKENZIE CO.,  
Plaintiff/Counter-Defendant/  
Cross-Plaintiff/Cross-Defendant-  
Appellant,

v

SC: 144499  
COA: 297406  
Clinton CC: 06-010088-CH

RBS CONSTRUCTION, INC. a/k/a RBS  
COMPANIES, INC. and KBB CONSTRUCTION,  
INC.,

Defendants,

and

LANSING CLASSIC LIVING, L.L.C.,  
Defendant/Counter-Defendant/  
Cross-Defendant,

and

INDEPENDENT BANK WEST MICHIGAN,  
Defendant/Counter-Plaintiff/  
Counter-Defendant/Cross-Plaintiff/  
Third-Party Plaintiff-Appellee,

v

KEBS, INC., SPARTAN IRRIGATION, INC.,  
AMERI-CONSTRUCTION & CONCRETE, INC.,  
TREES, INC., and MPC CASH-WAY LUMBER,  
CO.,

Third-Party Defendants/Third-Party  
Cross-Plaintiffs/Third-Party Counter-  
Plaintiffs-Appellants,

and

G & B SUPPLY CO., HARRIS HOMES  
CARPENTRY, INC., MCGUIRE

MECHANICAL, INC., THOMAS H. MALLORY,  
 PARAGON CONSTRUCTION CO., LTD., VANS  
 EXCAVATING, LTD., KENNETH F. DANTER,  
 WILLIAM E. HOLLAND, III, CHRISTENSEN'S  
 PLANT CENTER, INC., GUNNER PLUMBING,  
 INC., STREAMLINE ENTERPRISES, INC.,  
 TODD FISHER a/k/a TF & KC PAINTING, INC.,  
 TOTAL OUTDOOR SERVICES, INC.,  
 MCPHERSON BUILDERS, INC., and E.W.  
 KITCHENS, INC.,

Third-Party Defendants,

and

THOMPSON-MCCULLY ASPHALT PAVING,  
 L.L.C. a/k/a MICHIGAN PAVING &  
 MATERIALS CO. d/b/a SPARTAN ASPHALT  
 PAVING CO.,

Third-Party Defendant/Third-Party  
 Counter-Plaintiff/Third-Party  
 Cross-Plaintiff-Appellee.

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On order of the Court, the application for leave to appeal the December 13, 2011 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.



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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.

July 24, 2012

*Corbin R. Davis*

Clerk