

Order

Michigan Supreme Court
Lansing, Michigan

December 5, 2012

Robert P. Young, Jr.,
Chief Justice

145500

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

CARL LEMIN and JACQUELINE LEMIN,
Plaintiffs-Appellees,

v

SC: 145500
COA: 307539
Dickinson CC: 11-016524-NO

JOHN MICHAEL GARRETT, M.D., P.C.,
Defendant-Appellant,
and

HERZOG-DYER EXCAVATING &
SANITATION, INC.,
Defendant.

On order of the Court, the application for leave to appeal the June 6, 2012 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted in light of *Hoffner v Lanctoe*, 492 Mich 450 (2012).

HATHAWAY, J., would grant leave to appeal.



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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.

December 5, 2012

Corbin R. Davis

Clerk