

Order

Michigan Supreme Court
Lansing, Michigan

June 10, 2015

Robert P. Young, Jr.,
Chief Justice

150364

Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein,
Justices

HELEN YONO,
Plaintiff-Appellee,

v

SC: 150364
COA: 308968
Ct of Claims: 11-000117-MD

DEPARTMENT OF TRANSPORTATION,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the September 23, 2014 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether a vehicle engages in “travel” under MCL 691.1402(1) when it parks in, including pulls into and out of, a lane of a highway designated for parking; (2) whether the defendant presented evidence of the design of the highway at issue which, if left un rebutted, would establish that the plaintiff fell in an area of the highway not “designed for vehicular travel” under MCL 691.1402(1); (3) if so, whether the plaintiff produced evidence establishing a question of fact regarding the defendant’s entitlement to immunity under MCL 691.1402(1); and (4) whether questions of fact on a motion for summary disposition involving governmental immunity under MCR 2.116(C)(7) must be resolved by the trial court at a hearing or submitted to a jury, see *Dextrom v Wexford County*, 287 Mich App 406, 430-433 (2010); *Kincaid v Cardwell*, 300 Mich App 513, 523 (2013).

The Michigan County Road Commission Self-Insurance Pool, the County Road Association of Michigan, the Michigan Municipal League, and the Michigan Townships Association are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Larry S. Royster, 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.

June 10, 2015

Clerk