

Order

Michigan Supreme Court
Lansing, Michigan

July 7, 2017

Stephen J. Markman,
Chief Justice

152655

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen
Kurtis T. Wilder,
Justices

In re MARDIGIAN Estate

MARK S. PAPAIZIAN, Executor for the Estate of
ROBERT DOUGLAS MARDIGIAN,
Appellee,

v

SC: 152655
COA: 319023
Charlevoix Probate Ct:
12-011738-DE
12-011765-TV

MELISSA GOLDBERG, SUSAN V. LUCKEN,
NANCY VARBEDIAN, EDWARD
MARDIGIAN, GRANT MARDIGIAN, and
MATTHEW MARDIGIAN,
Appellants,

and

JP MORGAN CHASE BANK, NA,
Appellee.

On January 10, 2017, the Court heard oral argument on the application for leave to appeal the October 8, 2015 judgment of the Court of Appeals. On order of the Court, the application is again considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether the rebuttable presumption of undue influence set forth in *In re Powers Estate*, 375 Mich 150 (1965), when used as a means to determine the testator's intent, is a workable rule that sufficiently protects the testator when the testator's lawyer violates MRPC 1.8(c); (2) whether this Court's adoption of MRPC 1.8(c) warrants overruling *In re Powers Estate*; and (3) if *In re Powers Estate* is overruled, whether a violation of MRPC 1.8(c) should bear on the validity of the gift provided to the testator's lawyer under the testamentary instrument; and if so, how?

The Attorney Grievance Commission, the Probate Section and the Elder Law and Disability Rights Section of the State Bar of Michigan are invited to file briefs amicus

curiae. In addition, the State Bar of Michigan, or an appropriate committee of the State Bar authorized in accordance with the State Bar's bylaws, is invited to file a brief 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.

WILDER, J., did not participate because he was on the Court of Appeals panel.



t0705

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.

July 7, 2017

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk