

Court of Appeals, State of Michigan

ORDER

Christopher Napolski v Buzby Builders, LLC

Docket No. 268221

LC No. 05-051999-CK

Bill Schuette

Presiding Judge

Peter D. O'Connell

Patrick M. Meter

Judges

The Court orders that the June 7, 2006 order of this Court, holding defendant's application for leave to appeal in abeyance, is VACATED.

The Court further orders that, in lieu of granting the application for leave to appeal, the decision of the trial court is SUMMARILY REVERSED because the claim against defendant based on the Michigan Consumer Protection Act (MCPA), MCL 445.901 *et* should have been dismissed. See *Liss v Lewiston-Richards, Inc.*, ____ Mich ____ (Docket No. 130064, decided June 6, 2007).

The Court further orders that the stay of trial court proceedings pertaining to the MCPA claim is VACATED. This case is REMANDED to the trial court for proceedings consistent with this order. We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 29 2007

Date

Sandra Schultz Mengel
Chief Clerk