

Court of Appeals, State of Michigan

ORDER

Kimberly Bermudez v Janet A Lee

Donald S. Owens
Presiding Judge

Docket No. 275067

William C. Whitbeck, CJ

LC No. 02-000384 NI

Alton T. Davis
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The Court orders that the motion to dismiss pursuant to MCR 7.211(C)(2) is GRANTED IN PART AND DENIED IN PART. The claim of appeal is DISMISSED as to the issue that Heintzelman's comparative negligence bars recovery since it exceeds the scope of MCR 7.202(6)(v). See MCR 7.203(A)(1). The motion to dismiss as to governmental immunity is DENIED. See the reversal of *Newton v Michigan State Police*, 263 Mich App 251 (2004) in *Watts v Nevils*, 477 Mich 856 (2006).

The motions to preclude stay of trial court proceedings and for costs are DENIED.



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

JAN 31 2007

Date

Sandra Schultz Mengel
Chief Clerk