

Court of Appeals, State of Michigan

ORDER

Michael Ray Mullins v Matthew Stanford

Docket No. 275340

LC No. 06-000319-NI

Donald S. Owens
Presiding Judge

Richard A. Bandstra

Alton T. Davis
Judges

The Court orders that the motion for reconsideration is GRANTED IN PART.

This Court's unpublished opinion of October 23, 2007, is hereby VACATED, because this Court incorrectly stated therein that plaintiff had not been struck by snow. A new opinion containing a corrected factual statement will be issued.

However, the dispositive issue is defendants' intent to injure plaintiff. The Court determines "whether an act was an intentional tort" as a matter of law. MCL 418.131(1). Whether plaintiff was actually struck by snow does not affect our analysis finding no evidence that defendants acted with the intent to injure plaintiff or with willful disregard of knowledge that an injury would actually occur. Therefore, the motion for reconsideration is otherwise DENIED



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

DEC 05 2007

Date

Sandra Schultz Mengel
Chief Clerk