

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Christopher Lee Duncan v State of Michigan**
Docket No. **278652**
L.C. No. **07-000242-CZ**

E. Thomas Fitzgerald, Judge, acting under MCR 7.211(E)(2), orders:

The motion to strike is GRANTED and pages 7-17 [argument I(C)1-3] of appellants' brief is STRICKEN. While it may be necessary to plead and prove the underlying cause of action to successfully prosecute a suit against a state agency, this appeal is limited to the issue of governmental immunity. MCR 7.203(A)(1).

Appellants may file an amended brief without the above arguments within 14 days of the certification of this order. Appellees may file an amended brief within 14 days of service of appellants' amended brief.



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

OCT 10 2007

Date

Sandra Schultz Mengel
Chief Clerk