

Court of Appeals, State of Michigan

ORDER

Albert Papazian v Mark Papazian

Docket No. 279262

LC No. 2005-071280-CK

Deborah A. Servitto
Presiding Judge

Henry William Saad

Pat M. Donofrio
Judges

The Court orders that the motion to file a reply to the answer is GRANTED.

In lieu of granting the application for leave to appeal, pursuant to MCR 7.205(D)(2), we REVERSE the Oakland Circuit Court's April 24, 2004 order denying summary disposition to third-party defendant, Susan Papazian Cobb. Considering the facts in a light most favorable to third-party plaintiff, third party plaintiff has not shown the requisite elements to support his claim. See *Derderian v Genesys Health Systems*, 263 Mich App 364, 382; 689 NW2d 145 (2004). We decline to address the issue of third party plaintiff's standing.

The case is REMANDED to the circuit court for proceedings consistent with this order. This order is to have immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



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

FEB 5 2008

Date

Sandra Schultz Mengel
Chief Clerk