Court of Appeals, State of Michigan

ORDER

John Knox v Northland Management Inc

Docket No. 281768

LC No. 02-000571-CK

Richard A. Bandstra
Presiding Judge

David H. Sawyer

William B. Murphy
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court PEREMPTORILY REVERSES the trial court's decision denying the motion to amend affirmative defenses and dismissing the motion for partial summary disposition and VACATES its October 1, 2007 order effectuating that decision. The court abused its discretion where defendants acted within a reasonable time after the exemption first became legally available to them. *Hartman & Eichhorn Building Co, Inc v Dailey*, 478 Mich 891; 732 NW2d 108 (2007); *Liss v Lewiston-Richards, Inc*, 478 Mich 203; 732 NW2d 514 (2007); *Weymers v Khera,* 454 Mich 639, 654; 563 NW2d 647 (1997); *Moorhouse v Ambassador Ins Co*, 147 Mich App 412, 419; 383 NW2d 219 (1985). We REMAND this case to the Kent Circuit Court for further proceedings consistent with this order. This order has 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

APR 16 2008
Date

Sandra Schultz Mengel
Chief Clerk