

# Court of Appeals, State of Michigan

## ORDER

Alice Vieau v Michigan Basic Property Ins Association

Docket No. 285463

LC No. 08-002815-CH

Christopher M. Murray  
Presiding Judge

Michael J. Talbot

Kurtis T. Wilder  
Judges

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In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the April 29, 2008, order of the Presque Isle County Circuit Court denying defendant's motion to set aside the default hereby is REVERSED and the default is VACATED. We do not read *Alken-Ziegler, Inc v Waterbury Headers Corp*, 461 Mich 219; 600 NW2d 638 (1999), as narrowly as did the trial court. The affidavit from defendant's employee provided that she inadvertently believed that the case already had been referred to outside defense counsel. Immediately upon receiving the notice of default, defendant's employees acted to remedy the mistake by retaining counsel, who filed an answer just 12 days after it was due and who filed the motion to set aside the default just days later. That showing of good cause is sufficient, particularly considering that defendant has presented a defense that could be absolute if proven. Because defendant asserted a potentially-meritorious defense and good cause for the delay, manifest injustice would result if the Court permitted the default to stand. *Id.* at 229-234. This case is REMANDED to the circuit court for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2).

The Court retains no further jurisdiction.



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

SEP 15 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk