

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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SUSAN MUSKETT,

Plaintiff-Appellant,

v

GRAND PRIX FLOATING LESSEE, L.L.C.,

Defendant/Cross-Plaintiff-Appellee,

and

BIRCH TREE BARK & STONE, L.L.C.,

Defendant/Cross-Defendant-  
Appellee.

UNPUBLISHED

June 26, 2012

No. 297953

Kent Circuit Court

LC No. 09-003680-NI

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Before: GLEICHER, P.J., and HOEKSTRA and STEPHENS, JJ.

HOEKSTRA, J., (*concurring in part, dissenting in part*).

I agree that the claim made against defendant Birch Tree Bark & Stone, L.L.C. must be remanded to the trial court, but disagree that on the record and briefing before us that the trial court should be reversed. Rather, I would vacate the trial court's order and remand to afford the parties the opportunity to further develop the record and for reconsideration by the trial court in light of *Loweke v Ann Arbor Ceiling & Partition Co, LLC*, 489 Mich 157; 809 NW2d 553 (2011).

But with respect to the claim against defendant Grand Prix Floating Lessee, L.L.C., I agree and join with the majority in affirming.

/s/ Joel P. Hoekstra