

# Order

Michigan Supreme Court  
Lansing, Michigan

January 26, 2018

Stephen J. Markman,  
Chief Justice

155863

JONES FAMILY TRUST,  
Plaintiff-Appellant,  
and

Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Kurtis T. Wilder  
Elizabeth T. Clement,  
Justices

SYLVIA JONES and BOBBY JONES,  
Plaintiffs,

v

SC: 155863  
COA: 329442  
Saginaw CC: 13-019698-NZ

SAGINAW COUNTY LAND BANK  
AUTHORITY and ROHDE BROTHERS  
EXCAVATING, INC.,  
Defendants-Appellees,  
and

CITY OF SAGINAW and HARDHAT DOE,  
Defendants.

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On order of the Court, the application for leave to appeal the April 20, 2017 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.305(H)(1).

The appellant shall file a supplemental brief within 42 days of the date of this order addressing: (1) whether the trial court erred in granting summary disposition in favor of defendant Saginaw County Land Bank Authority on the appellant's inverse condemnation claim; and (2) whether the measure of damages on the appellant's breach of third-party contract claim is the same as the measure of damages on a tort claim for the negligent destruction of property. In addition to the brief, the appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellees shall file a supplemental brief within 21 days of being served with the appellant's brief. The appellees shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. A reply, if any, must be filed by the appellant within 14 days of being served with the appellees' brief. The parties should not submit mere restatements of their application papers.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 26, 2018

Clerk