

Order

Michigan Supreme Court
Lansing, Michigan

November 24, 2010

Marilyn Kelly,
Chief Justice

141069

Michael F. Cavanagh
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway
Alton Thomas Davis,
Justices

DONALD T. McCUE, Individually and
as Conservator of the ESTATE OF
DEBRA K. McCUE,
Plaintiffs-Appellants,

v

SC: 141069
COA: 295235
Ct of Claims: 08-000027-MD

DEPARTMENT OF TRANSPORTATION,
Defendant-Appellee,

and

O-N MINERALS (MICHIGAN) COMPANY,
Defendant.

On order of the Court, the application for leave to appeal the April 2, 2010 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

KELLY, C.J., and HATHAWAY, J., would remand this case to the Court of Appeals for consideration as on leave granted.

DAVIS, J., not participating. I recuse myself and am not participating because I was on the Court of Appeals panel in this case. See MCR 2.003(B).



d1117

I, Corbin R. Davis, 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.

November 24, 2010

Corbin R. Davis

Clerk