

# Order

Michigan Supreme Court  
Lansing, Michigan

December 14, 2012

142515

MARK SMITH,  
Plaintiff-Appellee,

v

SUBURBAN MOBILITY AUTHORITY FOR  
REGIONAL TRANSPORTATION,  
Defendant-Appellant.

SC: 142515  
COA: 294311  
Wayne CC: 08-113926-NO

Robert P. Young, Jr.,  
Chief Justice

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

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On order of the Court, the application for leave to appeal the December 16, 2010 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals, for the reasons stated in the Court of Appeals dissenting opinion, and we REINSTATE the September 9, 2009 order of the Wayne Circuit Court. See *Atkins v SMART*, 492 Mich 707 (2012).

MARILYN KELLY, J., would deny leave to appeal for the reasons set forth in her dissenting opinion in *Atkins v SMART*, 492 Mich 707, 723 (2012).

HATHAWAY, J., not participating due to a familial relationship with counsel of record.



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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.

December 14, 2012

*Corbin R. Davis*

Clerk