

# Order

Michigan Supreme Court  
Lansing, Michigan

March 27, 2013

146171 & (43)

CHRISTOPHER M. SCHARNITZKE,  
Plaintiff-Appellee,  
Cross-Appellant,

v

COCA-COLA ENTERPRISES,  
Defendant-Appellant,  
Cross-Appellee.

SC: 146171  
COA: 304515  
WCAC: 10-000061

Robert P. Young, Jr.,  
Chief Justice

Michael F. Cavanagh  
Stephen J. Markman  
Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano,  
Justices

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On order of the Court, the application for leave to appeal the October 18, 2012 judgment of the Court of Appeals and the application for leave to appeal as cross-appellant are considered. Pursuant to MCR 7.302(H)(1), in lieu of granting the application for leave to appeal, we REVERSE that portion of the Court of Appeals judgment reversing the Worker's Compensation Appellate Commission's (WCAC's) dismissal of the plaintiff's cross-appeal as an abuse of discretion. It is undisputed that the plaintiff failed to timely file a cross-appeal on the forms mandated by the WCAC. Under R 418.4(3), no delayed cross-appeal is permitted. As a result, it was not an abuse of discretion for the WCAC to strictly enforce its rule. *Marshall v Jacobetti*, 447 Mich 544 (1994). The application for leave to appeal as cross-appellant is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.



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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.

March 27, 2013

*Corbin R. Davis*

Clerk