

Order

Michigan Supreme Court
Lansing, Michigan

December 23, 2014

Robert P. Young, Jr.,
Chief Justice

149311 & (118)

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

DEVON SCOTT BAILEY,
Plaintiff-Appellee/Cross-Appellant,

v

SC: 149311
COA: 295801
Genesee CC: 07-087454-NO

STEVEN GEROME SCHAAF,
Defendant,

and

T.J. REALTY, INC., d/b/a HI-TECH
PROTECTION, TIMOTHY JOHNSON,
CAPTAIN WILLIAM BOYD BAKER, and
CHRISTOPHER LEE CAMPBELL,
Defendants-Appellees,

and

EVERGREEN REGENCY TOWNHOMES,
LTD. and RADNEY MANAGEMENT &
INVESTMENTS,
Defendants-Appellants/Cross-
Appellees.

On order of the Court, the application for leave to appeal the February 20, 2014 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 leave to appeal, we VACATE that part of the Court of Appeals February 20, 2014 opinion setting forth a hypothetical scenario in which defendant Hi-Tech Protection and its employees were not in the business of providing security, because the panel's conclusion in that regard is contrary to law. See *Upjohn Co v New Hampshire Ins Co*, 438 Mich 197, 214 (1991) ("The knowledge possessed by a corporation *about a particular thing* is the sum total of all the knowledge which its officers and agents, *who are authorized and charged with the doing of the particular thing* acquire, while acting under and within the scope of their authority.") (emphasis added; internal quotations omitted). In all other respects, leave to appeal and leave to appeal as cross-appellant are DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.



s1217

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.

December 23, 2014

Clerk