

Order

Michigan Supreme Court
Lansing, Michigan

November 13, 2015

150656 & (67)

DEAN ALTOBELLI,
Plaintiff-Appellee/
Cross-Appellant,

v

MICHAEL W. HARTMANN, MICHAEL A.
COAKLEY, M. ANNA MAIURI, JOSEPH M.
FAZIO, DOUGLAS M. KILBOURNE, JOHN
D. LESLIE and JEROME R. WATSON,
Defendants-Appellants/
Cross-Appellees.

SC: 150656
COA: 313470
Ingham CC: 2012-000635-CZ

Robert P. Young, Jr.,
Chief Justice

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

On order of the Court, the application for leave to appeal the November 4, 2014 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 defendants in this case are principal members of a law firm. The operating agreement for the law firm contains a mandatory arbitration agreement covering any dispute, controversy or claim between the law firm and a current or former principal. The parties shall file supplemental briefs within 42 days of the date of this order addressing whether the Court of Appeals correctly affirmed the trial court's denial of the defendants' motion to dismiss based on the operating agreement's mandatory arbitration provision because the plaintiff's claims are directed at the individual defendants, rather than the law firm. In addressing that issue, the parties may also address whether, under theories including but not limited to agency or equitable estoppel, a mandatory arbitration provision covering disputes "between the Firm . . . and any current or former Principal" may properly be invoked to resolve disputes between managing principals and a former principal. The parties should not submit mere restatements of their application papers.

The application for leave to appeal as cross-appellant remains pending.



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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.

November 13, 2015

Clerk