

Order

Michigan Supreme Court
Lansing, Michigan

January 20, 2006

Clifford W. Taylor,
Chief Justice

127834

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

MICHIGAN TOOLING ASSOCIATION
WORKERS COMPENSATION FUND, as
Subrogee of DISTEL TOOL & MACHINE
COMPANY,

Plaintiff-Appellee,

v

SC: 127834
COA: 249013
Oakland CC: 2001-030684-CK

FARMINGTON INSURANCE AGENCY, LLC,
Defendant/Third-Party Plaintiff-
Appellant,

and

MACHINERY MAINTENANCE SPECIALISTS,
INC.,

Defendant,

and

EMPLOYERS INSURANCE OF WAUSAU and
WAUSAU INSURANCE COMPANIES,
Third-Party Defendants-Appellees.

On January 12, 2006, the Court heard oral argument on the application for leave to appeal the December 7, 2004 judgment of the Court of Appeals. On order of the Court, the application is again considered. In lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and REMAND this case to the Oakland Circuit Court for entry of judgment in favor of Farmington Insurance Agency, LLC. MCR 7.302(G)(1). Farmington Insurance Agency did not owe a duty to Distel Tool & Machine Company because it could not have reasonably foreseen that Distel would rely on a certificate of insurance that was issued to another company. In all other respects, the application is DENIED, because this disposition renders moot the remaining question presented.

CAVANAGH and KELLY, JJ., would deny leave to appeal.



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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.

January 20, 2006

Corbin R. Davis

Clerk