

Order

Michigan Supreme Court
Lansing, Michigan

April 14, 2006

Clifford W. Taylor,
Chief Justice

130099

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

CITIZENS INSURANCE COMPANY,
Plaintiff,
Counter-Defendant-Appellant,

v

SC: 130099
COA: 262759
Oakland CC: 04-056953-CZ

PRO-SEAL SERVICE GROUP, INC., d/b/a
PRO-SEAL, INC.,
Defendant,
Counter-Plaintiff-Appellee,

and

SETH SHORT, RANDY QUINCY,
FLOWSERVE CORPORATION, and
FLOWSERVE MANAGEMENT COMPANY,
Defendants.

On order of the Court, the application for leave to appeal the November 1, 2005 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 preemptory action. MCR 7.302(G)(1). The parties shall be prepared to address at oral argument: (1) whether Flowserve's complaint alleged an advertising injury within the meaning of the commercial general liability policy that Citizens Insurance Company issued to Pro-Seal, Inc, and (2) if so, whether Citizens was relieved of its duty to defend Pro-Seal by operation of the policy exclusion for actions taken with knowledge that an advertising injury would result. The parties may file supplemental briefs within 56 days of the date of this order, but they should avoid submitting a mere restatement of the arguments made in their application papers.



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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.

April 14, 2006

Corbin R. Davis

Clerk