

# Order

**Michigan Supreme Court  
Lansing, Michigan**

October 17, 2007

Clifford W. Taylor,  
Chief Justice

133240-3(64)

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

YPSILANTI FIRE MARSHAL and CITY  
OF YPSILANTI,  
Plaintiffs-Appellees,

v

DAVID KIRCHER,  
Defendant-Appellant.

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SC: 133240  
COA: 260970  
Washtenaw CC: 02-000434-CH

ROBERT C. BARNES,  
Plaintiff-Appellee,

v

DAVID KIRCHER,  
Defendant-Appellant,

and

PATRICIA BROWN,  
Defendant.

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SC: 133241  
COA: 260971  
Washtenaw CC: 03-001380-CH

YPSILANTI FIRE MARSHAL and CITY  
OF YPSILANTI,  
Plaintiffs-Appellees,

and

BARNES & BARNES,  
Plaintiff,

v

DAVID KIRCHER,  
Defendant-Appellant.

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SC: 133242  
COA: 260972  
Washtenaw CC: 01-000560-CH

ROBERT C. BARNES,  
Plaintiff-Appellee,

v

SC: 133243  
COA: 260973  
Washtenaw CC: 03-001264-CH

DAVID KIRCHER,  
Defendant-Appellant,

and

CITIZENS BANK,  
Defendant.

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On order of the Court, the motion for reconsideration of this Court's May 30, 2007 order is considered, and it is GRANTED. We VACATE our order dated May 30, 2007. On remand, the Washtenaw Circuit Court may utilize evidence and testimony already in the record and it need not duplicate such evidence and testimony. In all other respects, the application for leave to appeal the January 9, 2007 judgment of the Court of Appeals is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court. The motion requesting judicial notice is DENIED.



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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.

October 17, 2007

*Corbin R. Davis*

Clerk