

Order

Michigan Supreme Court
Lansing, Michigan

October 19, 2007

Clifford W. Taylor,
Chief Justice

133671

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

MICHIGAN REHABILITATION CLINIC, INC.,
P.C., and DR. JAMES NIKOLOVSKI,
Plaintiffs-Appellees,

v

SC: 133671
COA: 263835
Oakland CC: 2003-047671-NF

AUTO CLUB GROUP INSURANCE COMPANY,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the January 4, 2007 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals. The Court of Appeals erred by holding that defendant was obligated to pay benefits when the health insurers did not cover plaintiffs' services, because the relevant contractual language exempts defendant from paying benefits if a health insurer offers "comparable services." On remand, the Court of Appeals shall order the trial court to consider whether the insureds' health insurers offered "comparable services." If so, then defendant is not required to pay benefits under the actual language of the contract. Only if "comparable services" were not offered should the trial court consider whether the services were "reasonably necessary."

We do not retain jurisdiction.



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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 19, 2007

Corbin R. Davis

Clerk