

Order

Michigan Supreme Court
Lansing, Michigan

February 1, 2008

Clifford W. Taylor,
Chief Justice

134798

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly

DEPARTMENT OF TRANSPORTATION,
Plaintiff-Appellee,

v

SC: 134798
COA: 272560
Wayne CC: 04-430645-ND

Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

INITIAL TRANSPORT, INC., and EMPLOYERS
MUTUAL INSURANCE COMPANY,
Defendants-Appellants,
and

GREAT WEST CASUALTY COMPANY and
KIRK NATIONAL LEASING COMPANY, a/k/a
KIRK NATIONALEASE COMPANY,
Defendants.

On order of the Court, the application for leave to appeal the July 26, 2007 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). At oral argument, the parties shall address (1) whether the Motor Carrier Safety Act (MCSA), MCL 480.11 *et seq.*, provides a private cause of action or remedy for third parties; (2) whether the MCSA, at MCL 480.11a, implicitly amended the cap on recoverable property damages found in the Michigan No-Fault Act, MCL 500.3101 *et seq.*, at MCL 500.3121; (3) whether, if the cap has been amended by the MCSA, this has any relevance to this case, where the applicable financial responsibility amount found in the MCSA is apparently the same as the property damage cap established in the no-fault act; and (4) whether the plaintiff is entitled to any penalty interest pursuant to MCL 500.2006. The parties may file supplemental briefs within 42 days of the date of this order, but they should avoid submitting a mere restatement of the arguments made in their application papers.

CAVANAGH, J., would deny the application for 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.

February 1, 2008

Corbin R. Davis

Clerk