

# Order

Michigan Supreme Court  
Lansing, Michigan

May 28, 2010

Marilyn Kelly,  
Chief Justice

140193 & (35)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

JEROME PLUNKETT, as Personal  
Representative of the ESTATE OF  
HOLLY MARIE PLUNKETT,  
Plaintiff-Appellant,

v

SC: 140193  
COA: 284320  
Ingham CC: 05-000166-MD

DEPARTMENT OF TRANSPORTATION,  
Defendant-Appellee.

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On order of the Court, the motion to file a reply brief is GRANTED. The application for leave to appeal the November 3, 2009 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(H)(1). At oral argument, the parties shall address whether the highway exception to governmental immunity, MCL 691.1402(1), applies to an alleged failure to maintain a highway to correct rutting that allegedly resulted in the accumulation of water on the rutted portion of the pavement, causing hydroplaning and the loss of control of the vehicle that led to the fatal accident. The parties may file supplemental briefs within 42 days of the date of this order, but they should not submit mere restatements of their application papers.

The Michigan Association for Justice, the Michigan Defense Trial Counsel, Inc., and the Negligence Law Section of the State Bar of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issue presented in this case may move the Court for permission to file briefs amicus curiae.



p0526

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.

May 28, 2010

*Corbin R. Davis*

Clerk