

# Order

Michigan Supreme Court  
Lansing, Michigan

September 9, 2010

Marilyn Kelly,  
Chief Justice

140046

Michael F. Cavanagh  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway  
Alton Thomas Davis,  
Justices

BRADLEY J. HANDLEY, next friend of  
MARIE J. HANDLEY, a minor,  
Plaintiff-Appellee,

v

SC: 140046  
COA: 284135  
Washtenaw CC: 07-000244-NO

CITY OF ANN ARBOR,  
Defendant-Appellant.

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By order of March 29, 2010, the application for leave to appeal the July 30, 2009 judgment of the Court of Appeals was held in abeyance pending the decision in *Gadigan v City of Taylor* (Docket No. 138323). On order of the Court, the case having been decided on April 16, 2010, 486 Mich 869 (2010), the application is again considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we AFFIRM the result reached by the Court of Appeals in light of our decision in *Robinson v City of Lansing*, 486 Mich 1 (Docket No. 138699, decided April 8, 2010), which held that the “two-inch rule” of MCL 691.1402a applies only to “county” highways. Given that the city has admitted that it owns the section of sidewalk at issue, there is no apparent dispute in this case that the road at issue is not a “county” highway. Therefore, in light of our decision in *Robinson*, the two-inch rule does not apply to this case. We thus VACATE the Court of Appeals opinion because its analysis is dictum given our determination in *Robinson* that MCL 691.1402a applies only to “county” highways. We REMAND this case to the Washtenaw Circuit Court for further proceedings consistent with this order and *Robinson*.

We do not retain jurisdiction.



d0830

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.

September 9, 2010

*Corbin R. Davis*

Clerk