

Order

Michigan Supreme Court
Lansing, Michigan

September 14, 2010

Marilyn Kelly,
Chief Justice

Rehearing Nos. 570 & 572

5 March 2010

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

138456-8

DERITH SMITH,
Plaintiff-Appellant,

v

SC: 138456-8
COA: 275297, 275316, 275463
Leelanau CC: 05-006952-CZ

ANONYMOUS JOINT ENTERPRISE, GEORGE
PRESTON, MARY BARROWS, VILLAGE OF SUTTONS
BAY, and CHARLES STEWART,
Defendants,

and

DONALD BARROWS, JOHN STANEK, and NOEL FLOHE,
Defendants-Appellees.

In this case motions for rehearing are considered and they are DENIED, there being no majority in favor of granting rehearing or other relief. KELLY, C.J. and CAVANAGH and HATHAWAY, JJ., would deny rehearing. CORRIGAN, YOUNG and MARKMAN, JJ., would grant rehearing.

CORRIGAN, J. (*dissenting*). I would grant defendants' motions for rehearing, and on rehearing, I would vacate this Court's July 30, 2010 decision and affirm the Court of Appeals for the reasons set forth in my partial dissent in *Smith v Anonymous Joint Enterprise*, ___Mich___(2010).

YOUNG and MARKMAN, JJ., join the statement of CORRIGAN, J.

DAVIS, J., not participating. I recuse myself and am not participating because I had prior personal knowledge of the facts in this case. See MCR 2.003(B).



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 14, 2010

Corbin R. Davis

Clerk