

Order

Michigan Supreme Court
Lansing, Michigan

August 3, 2012

Robert P. Young, Jr.,
Chief Justice

145386 & (14)

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

DOUGLAS MODIGELL,
Plaintiff-Appellee,

v

SC: 145386
COA: 309777
Washtenaw CC: 10-000808-NF

AUTO-OWNERS INSURANCE
COMPANY,
Defendant-Appellant.

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the May 18, 2012 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the Washtenaw Circuit Court's March 28, 2012 order denying the defendant's motion to exclude evidence and to strike claims. We REMAND this case to that court to conduct an evidentiary hearing to consider whether the plaintiff's proposed expert testimony meets the criteria of MRE 702. See *Craig v Oakwood Hosp*, 471 Mich 67 (2004), and *Gilbert v DaimlerChrysler Corp*, 470 Mich 749 (2004).

We do not retain jurisdiction.



h0731

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.

August 3, 2012

Corbin R. Davis

Clerk