

# Order

**Michigan Supreme Court  
Lansing, Michigan**

September 18, 2013

Robert P. Young, Jr.,  
Chief Justice

146433-5

Michael F. Cavanagh  
Stephen J. Markman  
Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano,  
Justices

MARIE HUNT, Personal Representative for the  
ESTATE OF EUGENE WAYNE HUNT,  
Plaintiff/Counter-Defendant/Cross-  
Defendant-Appellant,

v

SC: 146433  
COA: 299405  
Bay CC: 96-003280-NI

ROGER DRIELICK and COREY DRIELICK,  
d/b/a ROGER DRIELICK TRUCKING,  
Defendants/Counter-Plaintiffs/Cross-  
Plaintiffs/Third-Party-Defendants/  
Counter-Defendants,

and

GREAT LAKES CARRIERS CORP.,  
Defendant/Cross-Defendant-Appellee,

and

GREAT LAKES LOGISTICS & SERVICES, INC.,  
and MERMAID TRANSPORTATION, INC.,  
Defendants/Cross-Defendants,

and

SARGENT TRUCKING, INC.,  
Defendant-Appellee,

and

NOREEN LUCZAK and THOMAS LUCZAK,  
Third-Party-Defendants/Counter-  
Defendants-Appellees,

and

EMPIRE FIRE AND MARINE INSURANCE  
COMPANY,  
Garnishee Defendant-Appellee.

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BRANDON JAMES HUBER,  
Plaintiff-Appellant,

v

SC: 146434  
COA: 299406  
Bay CC: 97-003238-NI

COREY DRIELICK and ROGER DRIELICK,  
d/b/a ROGER DRIELICK TRUCKING,  
Defendants/Third-Party-Plaintiffs,

and

GREAT LAKES CARRIERS CORP.,  
Defendant-Appellee,

and

GREAT LAKES LOGISTICS & SERVICES, INC.,  
and MERMAID TRANSPORTATION, INC.,  
Defendants,

and

SARGENT TRUCKING, INC.,  
Defendant-Appellee,

and

GREAT LAKES CARRIERS, INC.,  
Third-Party-Defendant,

and

EMPIRE FIRE AND MARINE INSURANCE  
COMPANY,  
Garnishee Defendant-Appellee.

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THOMAS LUCZAK and NOREEN LUCZAK,  
Plaintiffs-Appellants,

v

SC: 146435  
COA: 299407  
Bay CC: 96-003328-NI

COREY DRIELICK and ROGER DRIELICK,  
d/b/a ROGER DRIELICK TRUCKING,  
Defendants-Third-Party-Plaintiffs,

and

GREAT LAKES CARRIERS CORP.,  
Defendant-Appellee,

and

GREAT LAKES LOGISTICS & SERVICES, INC.,  
and MERMAID TRANSPORTATION, INC.,  
Defendants,

and

SARGENT TRUCKING, INC.,  
Defendant-Appellee,

and

GREAT LAKES CARRIERS, INC.,  
Third-Party-Defendant,

and

EMPIRE FIRE AND MARINE INSURANCE  
COMPANY,  
Garnishee Defendant-Appellee.

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On order of the Court, the application for leave to appeal the November 20, 2012 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall address: (1) whether a lease agreement is legally implied between Roger Drielick Trucking and Great Lakes Carriers Corporation under the facts of the case and under applicable federal regulation of the motor carrier industry; and (2) if so, whether the Court of Appeals erred in resolving this case on the basis of the first clause of the business use exclusion in the non-trucking (bobtail) policy issued by Empire Fire and Marine Insurance Company, instead of on the basis of the second clause, which excludes coverage for “[b]odily injury’ or ‘property damage’ . . . while a covered ‘auto’ is used in the business of anyone to whom the ‘auto’ is leased or rented.”

Persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Larry S. Royster, 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 18, 2013

Clerk