

Order

Michigan Supreme Court
Lansing, Michigan

November 26, 2014

148087 & (55)

LISA TYRA,
Plaintiff-Appellee,

v

ORGAN PROCUREMENT AGENCY OF
MICHIGAN, d/b/a GIFT OF LIFE
MICHIGAN,

Defendant-Appellee,

and

STEVEN COHN, M.D., and WILLIAM
BEAUMONT HOSPITAL,

Defendants-Appellants,

and

DILLIP SAMARA PUNGAVAN, M.D.,
and JOHN DOE,
Defendants.

Robert P. Young, Jr.,
Chief Justice

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

SC: 148087
COA: 298444
Oakland CC: 2009-103111-NH

On order of the Court, the motion to file supplemental authority brief is GRANTED. The application for leave to appeal the August 15, 2013 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 action. MCR 7.302(H)(1). At oral argument, the parties shall address whether *Zwiers v Growney*, 286 Mich App 38 (2009), was overruled by this Court's decision in *Driver v Naini*, 490 Mich 239 (2011), and whether the defendants' affirmative defenses were defective because they did not specifically state the grounds for the defense. 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.

We further ORDER that this case be argued and submitted to the Court together with the case of *Tyra v Organ Procurement Agency of Michigan* (Docket No. 148079).

Motions for permission to file briefs amicus curiae and briefs amicus curiae regarding these two cases should be filed in Docket No. 148079 only.

We direct the Clerk to schedule the oral argument in this case for the same future session of the Court when it will hear oral argument in *Furr v McLeod* (Docket No. 149344).



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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.

November 26, 2014


Clerk