

Order

Michigan Supreme Court
Lansing, Michigan

September 18, 2015

Robert P. Young, Jr.,
Chief Justice

150882

Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein,
Justices

CYNTHIA HARDY, Personal Representative of
the Estate of MARGARET MARIE ROUSH,
Plaintiff-Appellee,

v

SC: 150882
COA: 317406
Montcalm CC: 2012-016830-CZ

LAURELS OF CARSON CITY, L.L.C.,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the December 11, 2014 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 7.305(H)(1). The parties shall file supplemental briefs within 42 days of the date of this order addressing: (1) whether the Court of Appeals erred in reversing the Montcalm Circuit Court's grant of summary disposition to the defendant pursuant to MCR 2.116(C)(10) of the plaintiff's false imprisonment claim based on its conclusion that genuine issues of material fact remained whether Margaret Roush's patient advocate designation became effective on October 24, 2012, see MCL 700.5506, and whether Roush subsequently revoked her patient advocate designation, see MCL 700.5510(1)(d); (2) whether the Court of Appeals erred in relying on an affidavit submitted by the plaintiff's attorney pursuant to MCR 2.116(H) to conclude that genuine issues of material fact remained; and (3) whether the Court of Appeals erred in addressing the plaintiff's remaining claims of intentional infliction of emotional distress, abuse of process, and civil conspiracy, where the plaintiff did not challenge that portion of the trial court's order granting summary disposition as to those claims. The parties should not submit mere restatements of their application papers.

The Elder Law and Disability Rights Section of the State Bar of Michigan is invited to file a brief amicus curiae. Other 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.



p0915

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, 2015


Clerk