

Court of Appeals, State of Michigan

ORDER

Royal Alexander v Brett Cassidy

Docket No. 301860

LC No. 09-092311-CZ

E. Thomas Fitzgerald
Presiding Judge

Kathleen Jansen

Elizabeth L. Gleicher
Judges

Pursuant to MCR 7.205(D)(2), the Court orders that the October 13, 2010 order is REVERSED to the extent that it grants summary disposition to defendants with regard to plaintiff's claims of excessive force and assault and battery based on defendants' conduct in tackling plaintiff and taking him to the ground. Plaintiff submitted evidence to the trial court to create a genuine issue of material fact regarding his conduct when he arrived at the scene and approached defendants. This evidence pertained to the reasonableness of the officers' response to plaintiff and, thus, to plaintiffs' claims. Summary disposition was therefore improper. *Hudson v Mathers*, 283 Mich App 91, 93; 770 NW2d 883 (2009); *St. Clair Medical, PC v Borgiel*, 270 Mich App 260, 264; 715 NW2d 914 (2006); MCR 2.116(C)(10).

This Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

SEP 22 2011
Date

Larry S. Royster
Chief Clerk