

Order

**Supreme Court
Lansing, Michigan**

September 28, 2005

Clifford W. Taylor,
Chief Justice

127603

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

KMART CORPORATION,
Plaintiff-Appellee,

v

SC: 127603
COA: 255408
Oakland CC: 99-011841-CZ

MICHAEL J. GARZONI,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the October 1, 2004 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

MARKMAN, J., not participating.



70919

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.

September 28, 2005

Corbin R. Davis

Clerk