

Order

**Supreme Court
Lansing, Michigan**

September 29, 2005

Clifford W. Taylor,
Chief Justice

129386 & (37)

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

JAMES PERI FERGUSON and
SANDRA K. FERGUSON,
Plaintiffs-Appellees,

v

SC: 129386
COA: 260876
Genesee CC: 04-080471-NI

PIONEER STATE MUTUAL OF
MICHIGAN,
Defendant-Appellant.

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the August 16, 2005 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the August 16, 2005 order of the Court of Appeals and ORDER that proceedings in the Genesee Circuit Court are stayed pending the completion of this appeal. On motion of a party or on its own motion, the Court of Appeals may modify, set aside, or place conditions on the stay if it appears that the appeal is not being vigorously prosecuted or if other appropriate grounds appear.

We do not retain jurisdiction.



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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 29, 2005

Corbin R. Davis

Clerk