

# Order

Michigan Supreme Court  
Lansing, Michigan

December 28, 2005

128936

JEANINE A. GRANT,  
Plaintiff-Appellant,

v

AAA MICHIGAN, WISCONSIN, INC.,  
a/k/a AUTO CLUB GROUP,  
Defendant-Appellee.

Clifford W. Taylor,  
Chief Justice

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

SC: 128936  
COA: 249720  
Wayne CC: 01-143185-NF

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On order of the Court, the application for leave to appeal the June 2, 2005 judgment of the Court of Appeals is considered and pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals and REMAND this case to the Court of Appeals for reconsideration in light of our decision in *Smith v Globe Life Ins Co*, 460 Mich 446, 467 (1999), holding that MCL 445.904(1) and (2) permit private actions against an insurer pursuant to MCL 445.911, because, prior to its amendment by 2000 PA 432, MCL 445.904(2) provided an exception to the exemption of MCL 445.904(1)(a) permitting private actions pursuant to MCL 445.911 arising out of misconduct made unlawful by chapter 20 of the insurance code.

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.

December 28, 2005

*Corbin R. Davis*

Clerk