

Order

Michigan Supreme Court
Lansing, Michigan

February 27, 2006

Clifford W. Taylor,
Chief Justice

128085(62)

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

JOHN E. SCALISE, Individually and as Parent,
Guardian, and Next Friend of BENJAMIN
SCALISE, a Minor,
Plaintiffs-Appellants,

v

SC: 128085
COA: 244883
Isabella CC: 00-000244-NZ

BOY SCOUTS OF AMERICA and MT.
PLEASANT PUBLIC SCHOOLS,
Defendants-Appellees.

On order of the Court, the motion for reconsideration of this Court's order of July 8, 2005 is considered, and it is DENIED, because it does not appear that the order was entered erroneously.

MARKMAN, J., recuses himself from this case on the basis of the nature of his current participation with the defendant organization.

CAVANAGH and KELLY, JJ., would grant reconsideration and, on reconsideration, would grant leave to appeal.

WEAVER, J., dissents and states as follows:

I do not participate in deciding plaintiff's motion to reconsider the denial of plaintiff's motion to disqualify Chief Justice Taylor. As I stated in my dissent to the order entered in this matter on July 8, 2005, I oppose the entry of any order in this case at this time until this Court addresses, resolves, and makes clear for all to know the proper procedures for handling motions for the recusal of Supreme Court justices from participation in a case. See *Scalise v Boy Scouts of America*, 473 Mich 853 (2005). For that reason, I do not decide or address the merits of the motion for reconsideration of the Court's denial of plaintiff's application for leave to appeal.



d0221

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.

February 27, 2006

Corbin R. Davis

Clerk