

Order

Michigan Supreme Court
Lansing, Michigan

May 12, 2006

130009-10

LIBERTY MUTUAL FIRE INSURANCE
COMPANY, MANOR CARE, INC., and
CANTERBURY VILLAGE, INC., d/b/a
HEARTLAND VILLAGE SQUARE,
Plaintiffs-Appellants,

v

CITY OF GRAND RAPIDS, CITY OF
KENTWOOD, and KENT COUNTY DRAIN
COMMISSIONER,
Defendants-Appellees.

SC: 130009-10
COA: 262934, 262985
Kent CC: 04-004688-NZ

Clifford W. Taylor,
Chief Justice

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

On order of the Court, the application for leave to appeal the October 25, 2005 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.

CAVANAGH, J., would grant leave to appeal.

WEAVER, J., dissents and states as follows:

I dissent from the majority's denial of plaintiffs' application for leave to appeal the October 25, 2005, judgment of the Court of Appeals.

I would grant leave to appeal to consider whether the prospective holding in *Pohutski v City of Allen Park*, 465 Mich 675 (2002), should be extended to preserve trespass-nuisance claims that accrued before the effective date of 2001 PA 222 and were timely filed after April 2, 2002.

KELLY, J., joins the statement of WEAVER, J.



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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.

May 12, 2006

Corbin R. Davis

Clerk