

Order

Michigan Supreme Court
Lansing, Michigan

September 14, 2006

Clifford W. Taylor,
Chief Justice

130073

WAPEKA B. BARNETT, Personal
Representative of the Estate of James Otha
Barnett, III, Deceased,
Plaintiff-Appellee,

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

v

SC: 130073
COA: 255318
Oakland CC: 2001-030478-NH

CESAR D. HIDALGO, M.D., CESAR D.
HIDALGO, M.D., P.C.,
Defendants-Appellants,

and

RENATO ALBARAN, M.D., and RENATO
ALBARAN, M.D., P.C.,
Defendants-Appellees,

and

MUSKESH S. SHAH, M.D., ONCOLOGY &
HEMATOLOGY OF OAKLAND, P.C.,
CRITTENTON HOSPITAL, and CRITTENTON
CORPORATION,
Defendants.

On order of the Court, the application for leave to appeal the September 13, 2005 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed whether *Brewer v Payless Stations, Inc*, 412 Mich 673 (1982), and *Clery v Sherwood*, 151 Mich App 55 (1986), have continuing vitality in light of MCL 600.6304 and MCL 600.2957, which require the finder of fact to determine and apportion the liability of non-parties.

The Michigan Trial Lawyers Association and Michigan Defense Trial Counsel, Inc. are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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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 14, 2006

Corbin R. Davis

Clerk